

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 3

In the Matter of:

Starbucks Corporation,

Case Nos.

Employer,

and

Workers United,

Charging Party.

03-CA-285671 03-CA-290555,
03-CA-291157 03-CA-291196,
03-CA-291197 03-CA-291199,
03-CA-291202 03-CA-291377,
03-CA-291378 03-CA-291379,
03-CA-291381 03-CA-291386,
03-CA-291395 03-CA-291399,
03-CA-291408 03-CA-291412,
03-CA-291416 03-CA-291418,
03-CA-291423 03-CA-291431,
03-CA-291434 03-CA-291725,
03-CA-292284 03-CA-293362,
03-CA-293469 03-CA-293489,
03-CA-293528 03-CA-294336,
03-CA-293546 03-CA-294341,
03-CA-294303 03-CA-206200

Place: Buffalo, New York

Dates: July 26, 2022

Pages: 658 through 813

Volume: 6

OFFICIAL REPORTERS

eScribers, LLC

E-Reporting and E-Transcription

7227 North 16th Street, Suite 207

Phoenix, AZ 85020

(602) 263-0885



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 3

| | |
|------------------------|----------------------------|
| In the Matter of: | |
| STARBUCKS CORPORATION, | Case No. |
| Employer, | 03-CA-285671 03-CA-290555, |
| and | 03-CA-291157 03-CA-291196, |
| | 03-CA-291197 03-CA-291199, |
| | 03-CA-291202 03-CA-291377, |
| WORKERS UNITED, | 03-CA-291378 03-CA-291379, |
| Union. | 03-CA-291381 03-CA-291386, |
| | 03-CA-291395 03-CA-291399, |
| | 03-CA-291408 03-CA-291412, |
| | 03-CA-291416 03-CA-291418, |
| | 03-CA-291423 03-CA-291431, |
| | 03-CA-291434 03-CA-291725, |
| | 03-CA-292284 03-CA-293362, |
| | 03-CA-293469 03-CA-293489, |
| | 03-CA-293528 03-CA-294336, |
| | 03-CA-293546 03-CA-294341, |
| | 03-CA-294303 03-CA-206200 |

The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL ROSAS**, Administrative Law Judge, at the National Labor Relation Board, Region 3, Niagara Center Building, 130 South Elmwood, Suite 630, Buffalo, New York 14202, on **Tuesday, July 26, 2022, 8:55 a.m.**

A P P E A R A N C E S

On behalf of the Employer:

JACQUELINE PHIPPS POLITO, ESQ.

ETHAN D. BALSAM, ESQ.

WILLIAM WHALEN, ESQ.

LITTLER MENDELSON, PC

375 Woodcliff Drive, Suite 2D

Fairport, NY 14450

Tel. (585)203-3400

Fax. (585)203-3414

On behalf of the Union:

IAN HAYES, ESQ.

HAYES DOLCE

471 Vorhees Avenue

Buffalo, NY 14216

Tel. (716)534-8388

On behalf of the General Counsel:

JESSICA CACACCIO, ESQ.

ALICIA PENDER STANLEY, ESQ.

NATIONAL LABOR RELATION BOARD

130 South Elmwood, Suite 630

Buffalo, NY 14202

Tel. (716)551-4931

Fax. (716)551-4972

I N D E X

| <u>WITNESS</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> | <u>VOIR DIRE</u> |
|------------------|---------------|--------------|-----------------|----------------|------------------|
| Kellen Higgins | 668 | 681 | 686 | | |
| Alexis Rizzo | 689 | 745 | | | |
| Caroline Larczak | 770 | | | | |

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

| | | |
|----------------------|-----|-----|
| GC-47 (a) | 698 | 700 |
| GC-47 (b) | 698 | 700 |
| GC-51 (a) | 793 | 795 |
| GC-51 (b) | 793 | 795 |
| GC-52 (a) and 52 (b) | 802 | |

1 P R O C E E D I N G S

2 JUDGE ROSAS: Before we resume, I received a communication
3 from General Counsel. Did you want to address before we
4 proceed?

5 MS. CACACCIO: Yes, Your Honor. I don't know if you had a
6 chance to review that email, but essentially this morning, we
7 learned that Respondent moving forward in its production has no
8 intention of telling us what their production is actually going
9 to be responsive to.

10 Obviously, this is problematic for a number of reasons.
11 One is the volume of production. Two is the delay in the
12 production. The third issue is that in their last production,
13 they said that they also produced records that weren't --
14 that -- there may -- it -- it the reads the remainder of the
15 documents in the production contain information that's
16 generally relevant to the case. So without it being responsive
17 to the subpoena, it's possible that these documents that are
18 being produced aren't even -- aren't even relevant to what
19 we've requested.

20 And so obviously, this is problematic. And we're
21 requesting that Respondent -- we're requesting you or
22 Respondent to tell us what it's producing and to what it's
23 responsive, which it has been doing thus far.

24 JUDGE ROSAS: So you're referring to an email that you
25 received from Pamela Reynolds?

1 MS. CACACCIO: Yes, Your Honor.

2 JUDGE ROSAS: Is -- is she on the case, too? Is she
3 another attorney on the case?

4 MR. BALSAM: Your Honor, she has entered an appearance in
5 this case, yeah. She has entered an appearance in this case.

6 JUDGE ROSAS: Okay. Communications with Ms. Reynolds
7 began with an email from her, as I understand it, on Sunday,
8 July 24th. So was that email transmitting additional
9 production?

10 MS. CACACCIO: Yes, Your Honor.

11 JUDGE ROSAS: And what do we have?

12 MS. CACACCIO: So that's the problem, Judge. The
13 additional production didn't come with an index. It --

14 JUDGE ROSAS: No, no. I asked you what was produced. How
15 much was produced?

16 MS. CACACCIO: It -- that's the problem, Judge. I mean,
17 we have -- we have from 84 pages to 1,146 pages. But as of
18 this morning, that's the first indication I have of what was
19 being produced, if that makes sense.

20 JUDGE ROSAS: As of this morning --

21 MS. CACACCIO: That's when they corrected the index to let
22 me know what doc -- what those 1,100 documents went to.

23 JUDGE ROSAS: But did documents accompany the email on
24 July 24th?

25 MS. CACACCIO: Yes, Judge. So those documents -- those

1 documents -- we are getting them to upload into a system, so
2 you're not going to see that here. We do have those.

3 JUDGE ROSAS: Okay.

4 MS. CACACCIO: If you even understand her cover.

5 JUDGE ROSAS: And have you had an opportunity to review
6 those documents?

7 MS. CACACCIO: No, Judge.

8 JUDGE ROSAS: Okay.

9 MS. CACACCIO: Because until this morning, I didn't know
10 even what they were responsive to. The index we had received
11 indicated that they were responsive almost all to Union
12 subpoena, not to General Counsel subpoena. But I -- I
13 suspected that may have been an error. So I requested that
14 Respondent's Counsel correct that error, which they did. And
15 in doing so, they informed me that they don't intend to tell
16 me, moving forward, what the documents they're producing are
17 even responsive to.

18 JUDGE ROSAS: Respondent?

19 MR. BALSAM: Your Honor, under the Federal Rules of Civil
20 Procedure which governs these proceedings, we have no
21 obligation to identify by category documents that we produce to
22 them in -- in the normal course of business -- that they're
23 kept in the normal course of business. As a result, just
24 because the General Counsel wants us to identify which
25 documents relate to which category of the absurd subpoena that

1 we have been talking about for weeks now, we have no obligation
2 to do so.

3 We are -- we are doing our best, as we've indicated over
4 and over again to this Court, that we are producing documents
5 that are responsive to the subpoena. As we've indicated,
6 again, there are potentially 20 million documents. The General
7 Counsel would have us identify by category which document is
8 responsive to which category isn't -- a herculean task that we
9 should not be saddled with. Instead, we should rely on what
10 the rule says, if we are producing these documents within the
11 normal course of business, that is sufficient.

12 JUDGE ROSAS: Well --

13 MR. BALSAM: If General Counsel's burdened by that, well,
14 that's their problem, not ours.

15 JUDGE ROSAS: So when you produce these documents -- the
16 docu -- documents that were produced on Sunday, someone
17 obtained them, correct?

18 MR. BALSAM: That's correct.

19 JUDGE ROSAS: And how -- how do they know what they
20 obtained was responsive to anything? I mean, were they looking
21 for specific things? Were they saying, send me anything that
22 has some reference somewhere in the body of any document to
23 Workers United? How did -- how did they produce this?

24 MR. BALSAM: Your Honor, we -- we are aware of what the
25 categories of documents are that we have agreed to produce in

1 response to the subpoena. Those are the categories of
2 documents that we are producing documents re -- relating to.
3 But again, that doesn't matter. What matters here is what is
4 our obligation under the rules. The obligation under the rule
5 is either produce them and identify them as -- as they are with
6 respect to the -- identify them by category or produce them as
7 they are kept in the normal course of business. We are doing
8 that. The General Counsel can't tell us how to produce these
9 documents.

10 JUDGE ROSAS: All right. Well, I --

11 MS. CACACCIO: Your -- Your Honor --

12 JUDGE ROSAS: What I'm going to -- what I'm going to
13 instruct the General Counsel to do is to, at some point
14 today -- advise me at some point today or tonight, what your
15 review of those documents of the best of your ability
16 indicates. I'm going to be revisiting the Bates stamp order
17 ruling relating to sanctions tomorrow morning. So I'll need an
18 update from you as to what you believe you have. And I'll hear
19 from the parties tomorrow before I address this further. Okay?
20 Is there any other question at this time?

21 MS. CACACCIO: Will General have ti -- an opportunity to
22 respond to what Respondent just said or no?

23 JUDGE ROSAS: Y'all can respond till the cows come home
24 later. Okay? But right now, the ball gets rolling.

25 MS. CACACCIO: Your Honor, we didn't have an opportunity

1 to actually review these documents because based on the trial
2 schedule that you -- that we're working right now --

3 JUDGE ROSAS: Well, you'll --

4 MS. CACACCIO: -- it doesn't seem possible.

5 JUDGE ROSAS: -- you'll let me know when you are able to
6 do and -- and we'll deal with that tomorrow or you'll update me
7 tonight -- and to the extent that you're able to address this.
8 And we'll see if we're in a position to revisit the order at
9 that point or if you need more time, you're going to need to
10 address it because there's been some production. And I need to
11 know exactly what this means. Okay? And based on the
12 platitudes that are being conveyed here, I don't really have a
13 sense of -- of the -- of the merits here, okay, before I make a
14 decision on this. All right.

15 Ready to resume?

16 MS. CACACCIO: Yes, Your Honor. I -- I just -- I'm so
17 sorry. But I -- based on what you just said, I mean, I --
18 Respondent has just indicated that they believe that there are
19 maybe as many as 20 million documents that are responsive, and
20 we have 1,100 of them. So to the extent you want to revisit
21 that order, I -- irregardless of what I tell you is in here,
22 based on their own representations, it's certainly not enough
23 to remove the sanctions. But we'll, of course, address that
24 additionally moving forward.

25 JUDGE ROSAS: Okay. Let's resume the witness.



1 Remind you you're still under oath.

2 **RESUMED DIRECT EXAMINATION**

3 Q BY MS. CACACCIO: Good morning, Kellen.

4 A Good morning.

5 Q Did you discuss the content of your testimony with anyone
6 between yesterday and today?

7 A No, I did not.

8 Q I want to talk to you a little bit more about the
9 meeting -- the last meeting that we were discussing, the first
10 time you met with Patty about your availability. Do you know
11 the meeting I'm talking about?

12 A Yes.

13 Q In that meeting, you testified that Patty gave an example
14 of Angela. Do you know Angela's last name?

15 A Yes. It's Dudzik.

16 Q Can you spell it for us?

17 A I believe it's spelled D-U-D-Z-I-C (sic).

18 Q And who is Angela?

19 A She's a long-term partner at the Elmwood location.

20 Q And what in that meeting -- all I want to know is what
21 Patty said about Angela in that meeting?

22 A Patty used Angela as an example and said Angela typically
23 works between 30 and 32 hours a week. And that she wasn't
24 going to take away hours from Angela to delegate out to other
25 partners who don't work as many hours.

1 Q And what did you say in response to Patty in that meeting?

2 A I responded with I thought hours were -- hours weren't
3 guaranteed to every partner. And because we were at that point
4 in the season that we weren't having enough sales, why aren't
5 those hours being taken away across the board with every
6 partner?

7 Q And that's what you told Patty in that meeting?

8 A Yeah, I told Patty that directly.

9 Q So you had testified that they -- that you were given
10 another shift, when was that? Do you remember?

11 A It was sometime late February. I believe like around like
12 25th, 26th.

13 Q Did you work that day?

14 A I did.

15 Q Did you work any other days in February?

16 A Yes, I did.

17 Q What happened there?

18 A There was a mix-up on Teamworks. I assumed that that was
19 the shift Patty was referring to.

20 Q Can you talk to me about what the mix-up on Teamworks --
21 what did you see on Teamworks?

22 A So you can post like shifts to be taken by other partners.
23 And I had assumed that that was the shift she was referring to.

24 Q Was there a shift that was posted?

25 A Yes.

1 Q What was that shift?

2 A It was on a Saturday. It was like a morning shift, like
3 6:00, 8:00 that morning until around like 2.

4 Q Was that --

5 A So I --

6 Q -- on your availability?

7 A Yeah. I -- I wasn't scheduled, so I had that availability
8 because it was a Saturday.

9 Q So what did you do?

10 A And so I took that shift.

11 Q And did you -- when you went in, what happened?

12 A I went in, and somebody had called out, so they had looked
13 at me because my name wasn't on the -- on the actual DCR. So I
14 had went in. They were looking at me funny. Why are you here?
15 And I was like, oh, Patty had a shift. I saw it on Teamworks,
16 so I came in.

17 Q And what happened?

18 A They had said, well, you're not on the -- the DCR, the
19 list that has our names on for the shift. But somebody called
20 out, so you can stay in.

21 Q So did you actually work that day?

22 A Yes, I did.

23 Q And did you speak to Patty about what had happened?

24 A So Patty had actually wanted me to stay after and talk to
25 her, but I couldn't stay because my mom was in town and there

1 was just some mix up. I thought I was going to have to stay
2 after and talk to her, but I told her -- you know, it was my
3 fault. I thought -- you know, we were going to talk another
4 day. And she was like, no worries. Go spend some time with
5 your mom and we'll connect another day and that's what
6 happened.

7 Q And so when did you connect with Patty next?

8 A I connected with her couple weeks after on a Sunday and
9 the same routine, but we met in the back room.

10 Q The back room of where?

11 A Of the Elmwood location.

12 Q And about how long did this meeting last?

13 A It was around 25, 30 minutes.

14 Q When did the meeting start?

15 A Around 1:00.

16 Q And how did the meeting start?

17 A So I had met Patty in the back room. And we had cleaned
18 off some of the tables. And then she had asked me to not
19 record her and that she -- like, basically, wasn't giving me
20 the consent to record the conversation.

21 Q And what did you do?

22 A I did not record the conversation at all. And then she
23 had like requested that I keep my phone face up on the table in
24 front of us and I did so.

25 Q Did she say how you should talk to her moving forward?



1 A Yes. She did request that I only make like verbal contact
2 with her via telephone or in person.

3 Q So what happened in the conversation?

4 A So I brought in like a piece of paper and it just had a
5 bunch of different questions that I had inquired over the
6 couple of weeks to either -- you know, reassess, readdress, or
7 to move forward or like, what can we do. So we just kind of
8 went through each of those questions one by one.

9 Q Do you still have that paper?

10 A I do not.

11 Q What happened -- what was the first thing you talked to
12 her about?

13 A We just started going off on scheduling. And she gave me
14 the same narrative as before about Angela, the exact same
15 reasoning. So I had asked why the shifts weren't being taken
16 away from each person individually. And she said, Kellen, I'm
17 going to tell you again, Angela, she has 30 to 32 hours. I'm
18 not going to be taking away hours from somebody who has that
19 status of -- you know, fuller time, fuller schedule, open
20 availability. And she was very persistent on that was her
21 answer and holding to it.

22 Q What happened next?

23 A I then had asked her about Michelle Eisen, who was present
24 yesterday. And I said Michelle's -- because Michelle and I had
25 spoken previously about our shifts. And they had said, you

1 know, Michelle has limited availability as well. And she had
2 put me to a halt, and she said Michelle's schedule was a
3 historical agreement and that's why she had less availability
4 approved.

5 Q And what happened after that?

6 A She said that I didn't qualify under that historical
7 agreement. I thought it was kind of a strange way to put it,
8 but she said that my school cycle did not count as like
9 relevant in that situation.

10 Q Did you respond?

11 A Yeah. I kind of tried to push back and say, I don't
12 understand how because I had done this from 2018 up until now.
13 I don't understand why there was a problem. And she was still
14 persistent and said, this is what it is.

15 Q What happened after that?

16 A I then moved to the next question where I had asked -- you
17 know, well, I ha -- I had stated that I didn't think that I was
18 going to be able to get approved for an LOA. And I said that
19 because I didn't think that I was going to get approved over
20 the 30-day average that I had asked any of my other partners
21 who have taken an LOA. And they said that they were approved
22 for roughly 30 days. So I had panicked and said, I didn't -- I
23 wasn't going to have enough the time. I would need two extra
24 weeks after those 30 days. So I had suggested, can we meet
25 with Michaela Murphy.

1 Q Who's that?

2 A At the time -- I don't know if she still is, but she's the
3 district manager.

4 Q What's an LOA?

5 A A leave of absence.

6 Q Okay. Go ahead.

7 A So Patty was not -- she wasn't opposed to the update. She
8 was actually very optimistic about it or at least she seemed.
9 So I kind of kept that in the back of my mind. Like, okay.
10 Maybe we can have this so I can justify what to do with those
11 two weeks because I didn't want to lose my job over a two-week
12 lapse.

13 Q Did you talk about any of the other options?

14 A Yeah. I still reiterated that -- you know, I could not
15 post 20 hours.

16 Q And did Patty respond to that?

17 A Yeah. She -- so she asked if I could post on a Thursday.
18 She said we don't have to put the schedule every week. It
19 could be sporadic. And I had agreed because I was just -- I --
20 I would do anything to keep my job. So I -- I absolutely said,
21 yes. Like, I will take what I can.

22 Q What else happened in that meeting?

23 A And then we -- we kind of just went over any of the other
24 options school being extremely important and that she was going
25 away and that she wanted me to give her an answer as soon as

1 possible. This was a Sunday. So she was likely wanting it on
2 Monday, she said. But she was leaving Thursday, so she said
3 Wednesday would be best before she left for vacation.

4 Q In the last meeting, she had discussed a third option with
5 you. Was that discussed again in this meeting or not?

6 A Oh, yes. The --

7 MS. POLITO: Objection. Leading.

8 JUDGE ROSAS: I'll allow it.

9 A The -- the third option was re -- like resigning and still
10 having that option for rehire without any penalties, if you
11 want to call it that.

12 Q BY MS. CACACCIO: And what was discussed in this meeting
13 about that option?

14 A That if I were to resign, I would have no problem being
15 rehired later on.

16 Q Did you talk to Patty and give her your -- your option as
17 she requested it before she left on vacation?

18 A I did not.

19 Q So what happened next?

20 A So Patty had gone on vacation. I was still trying to
21 figure out what I was going to do. And then she had come back
22 from vacation, and she had called me, and it was a Wednesday.
23 It was a Wedne --

24 Q Where were you when she called you?

25 A I was in school.

1 Q And you said it was a Wednesday. Do you remember about
2 when it was?

3 A Yes. It was around 4:00.

4 Q Okay. Do you remember about when it was in the month?

5 A It had to have been mid-March.

6 Q Okay. So what happened -- what happened in this phone
7 call?

8 A She had just told me that she was back from vacation. She
9 hadn't heard from me. And she had said, Kellen, I want to keep
10 you on the schedule. I need one more day just so it looks in
11 Teamworks on the availability that I have a couple of days.
12 Patty was trying to help me.

13 Q So what did you do?

14 A I -- I told her I could not do -- she had asked for
15 Sundays, if I could come in on Sundays. And I told her that I
16 couldn't come in on Sundays because that was the only day of
17 the week that I didn't have school, that I didn't have to work,
18 and I needed that time for myself. And I said the only other
19 option that I could give you would be a Friday, but it could
20 not be every Friday.

21 Q So at this point, what -- what did your availability look
22 like?

23 A At this point, it was Saturdays around that 6:30 to 2
24 range, 6:30 to 4-ish. And then Thursdays, I submitted a split
25 shift. So I put in open availability from 5 a.m. to around

1 11:30 or 12-ish. And then I put in a -- a gap period until 5
2 p.m. to 10 p.m.

3 Q And she had just talked to you about Fridays. Did you
4 enter that in?

5 A I -- yes, I agreed. I said anything that I have to do to
6 maintain my employment because I -- I need this job. So she
7 said that she would call me or text me and ask me if I could
8 work X Friday, whatever Friday she would need.

9 Q And what were the hours going to be on those Fridays?

10 A It would be after -- after 2:00 because I had a class that
11 got out at 2:00.

12 Q So was there anything else in this conversation?

13 A We had just said that -- that we would meet up later on if
14 we weren't able to make anything work. And then I would see
15 her in the future when we had had a shift together because I
16 was on the schedule after that.

17 Q So did you ever talk to Patty again about your
18 availability?

19 A Later on when -- when we met for the third time.

20 Q And when did you meet for the third time?

21 A It was April 2nd.

22 Q Did you have approved -- approved schedule in the system
23 at this point?

24 A So at that point, I couldn't check in Teamworks. Later
25 on -- for some reason, the day before my last day, I couldn't

1 clock in, couldn't clock out, couldn't log into Partner Hub. I
2 didn't have access to anything. I had to manually write it on
3 the books like if I came to work, I couldn't -- I didn't have
4 access to anything before my last day.

5 Q So you said you talked to Patty. Where did you talk to
6 her?

7 A The last time I spoke to her was in the back room, the
8 same location as the second meeting.

9 Q And how long did this conversation last?

10 A Not long, maybe 15 minutes max.

11 Q And what did -- what happened in this conversation? How
12 did it start?

13 A So at this point, I had decided that I couldn't -- I
14 couldn't apply for an FMLA, get it approved. I didn't have --
15 that meeting with Michaela, I couldn't post the 20 hours that
16 was needed, so I decided that the only option I had was to
17 leave because I didn't qualify for the other options.

18 Q So what did you do?

19 A So I typed up a two-weeks' notice. And I met Patty in the
20 back at that last shift that I had with her. And I gave her my
21 letter. And she had also spoken to me and told me that she was
22 leaving as well.

23 Q And what did she say?

24 A She said that school's a priority. She knew that I
25 couldn't do the 20 hours. I was overworking myself and that I

1 needed to do what was best for me and that was to depart from
2 the company.

3 Q Did she say anything about you leaving?

4 A She said that she hopes that I do well in school and that
5 I continue to strive and that I would have the availa -- that I
6 would have the option to come back later on and be rehired, no
7 problem.

8 Q Did she say anything about her leaving?

9 A I --

10 MS. POLITO: Objection.

11 A Yea --

12 MS. POLITO: Hearsay and --

13 JUDGE ROSAS: Sustained.

14 MS. POLITO: -- and leading.

15 JUDGE ROSAS: Leading.

16 MS. CACACCIO: I'm sorry, what? I just didn't hear.

17 JUDGE ROSAS: Leading. Sustained.

18 Q BY MS. CACACCIO: You testified that Patty talked about
19 her leaving; what did she say?

20 A She said that she was going to be leaving in early
21 March -- sorry, not March, May. Excuse me. And that she
22 decided that she knew that she wanted something different for
23 her life after she went on vacation. And she was going to be
24 on her own or/and leaving the company as well.

25 Q If you had agreed -- you agreed to post those three days;

1 why did you leave?

2 A Because there was just too much for my schedule at the
3 time. And I only had -- at -- at this point, it was April 2nd.
4 So school had ended in a month and two days, approximately a
5 month and like a -- a couple of days. And I knew I couldn't
6 keep it up for that month and a couple of days.

7 Q Why not?

8 A Because of my -- my school schedule being all over the
9 place for grad school. And if I were approved for that LOA, I
10 still would have a little bit of a gap. And I didn't have the
11 opportunity to talk with Michaela and see if she could look and
12 see if we could do something for those two weeks. Even if that
13 meant, I put it on my vacation time to just kind of hold my
14 place at the store, anything.

15 Q In any of the times that you were in school when you
16 worked for Starbucks, had you ever posted three days during the
17 semester?

18 A During my undergraduate, yes.

19 Q And what about graduate school?

20 A Graduate school, no.

21 MS. CACACCIO: I have no further questions for this
22 witness at this time, obviously subject to recall.

23 JUDGE ROSAS: Charging Party?

24 MR. HAYES: Oh, sorry. No questions.

25 JUDGE ROSAS: Off the record.



1 (Off the record at 9:24 a.m.)

2 JUDGE ROSAS: Respondent cross.

3 **CROSS-EXAMINATION**

4 Q BY MS. POLITO: Mr. Higgins, you began working for
5 Starbucks in 2018; is that correct?

6 A Yes, it is.

7 Q And you were a college student at the time?

8 A Yes.

9 Q And when you were first hired by Starbucks, did you
10 receive a partner guide?

11 A I did.

12 Q And did you acknowledge receipt of that partner guide?

13 A I'm sorry. Can you speak up?

14 Q Sure. Did you acknowledge receipt of the partner guide?

15 A I'm not sure what the receipt is.

16 Q Did you sign a document that said that you had received
17 the partner guide?

18 A Yes. Yes.

19 Q And were employed in March of 2020 when COVID hit?

20 A Partially.

21 Q As a college student?

22 A Oh, yes, as a college student, yes.

23 Q One day a week at that time?

24 A During 2020, I was also working at a hospital, so I wasn't
25 eligible to work in the store at the time due to their -- at

1 the time, the COVID regulations.

2 Q Okay. So during 2020 -- January, February, March of 2020,
3 did you work at Starbucks during that time period, or were you
4 were working in a hospital?

5 A Both at the same time until the lockdown and everything in
6 the stores had proceeded.

7 Q And what store were you working at before the lockdown?

8 A At the time, it was the Transit Commons location.

9 Q And when the lockdown happened, you were also working at a
10 hospital, so you -- what -- at what point in time did you
11 return to working at Starbucks?

12 A It was around July/August time.

13 Q Of 2020?

14 A Yes.

15 Q And when you returned, what store did you return to?

16 A I still returned to Transit Commons.

17 Q And how many hours a week were you working when you
18 returned to work in -- in about July of 2020?

19 A It was about maybe 15 hours.

20 Q And when you returned to Transit Commons, the store itself
21 was a bit in a state of disrepair; is that correct?

22 A That is correct.

23 Q I think you testified yesterday that the carpet needed
24 repair?

25 A Oh, that -- that was at Elmwood.

1 Q That was at Elmwood?

2 A Yes.

3 Q What were the issues at Transit Commons when you returned?

4 A Transit didn't -- well, from the beginning of my
5 employment there, a lot of the newer upgrades that we have now
6 were -- that were only in some of the stores in the Buffalo
7 area, the Transit Commons locations didn't have all of those
8 accommodations. And we also had a lot of issues with staffing,
9 call outs. The manager at the time was never available. He
10 wasn't really present at all.

11 Q Who was the manager at the time?

12 A David Almond.

13 Q And when you returned in the summer of 2020, it was under
14 the new COVID protocols; is that correct?

15 A That is correct.

16 Q Which involved masking?

17 A Um-hum.

18 Q Yes? You have to verbally speak any answers.

19 A Oh, yes. Sorry. Yes.

20 Q And it included a daily screen?

21 A Yes.

22 Q And at that point in time, customers were also required to
23 ma -- wear masks when they were in the store?

24 A Yes.

25 Q During that time period, did you see an increase in mobile

1 ordering in your Transit Commons store?

2 A Oh, yes. Yeah.

3 Q And to your knowledge, has that continued until you're --
4 you last worked at Starbucks?

5 A Yeah.

6 Q You talked about yesterday that you wore a pin on one
7 particular day in a November, December; do you recall that
8 testimony?

9 A Yes, I do.

10 Q And when you wore the pin to work, no one told you to take
11 it off; isn't -- correct?

12 A That's correct.

13 Q That you've never been disciplined for wearing a pin?

14 A No, not anything at the store at that time, no.

15 Q In fact, you told us yesterday that you are proponent of
16 union organizing and you've spoken with many media outlets,
17 correct?

18 A Correct.

19 Q No one from Starbucks ever told you not to talk to any
20 media outlets; did they?

21 A No, nobody from corporate or the store managers, no.

22 Q And no one ever disciplined you for engaging in that
23 activity; did they?

24 A No.

25 Q In fact, you told us yesterday that Patty Shanley, your



1 store manager, told you specifically that she respected your
2 decision.

3 A That is correct.

4 Q You talked a little bit about availability of your hours
5 at the store, correct?

6 A Yes.

7 Q Each time you spoke with Patty Shanley, isn't it a fact
8 that she worked with you with respect to your hours and
9 availability?

10 A Yes.

11 Q And you told us yesterday that hours aren't guaranteed,
12 you can put whatever you want on the schedule; is that correct?

13 A I'm sorry. Can you rephrase the question?

14 Q Sure. Yesterday during your testimony, you specifically
15 stated that hours aren't guaranteed. You can put whatever you
16 want on a schedule. Do you remember that testimony?

17 A Like, I -- I do, but I'm confused about the second half of
18 the question -- or I'm sorry, the statement.

19 Q Well, it's your statement. I'm asking if you recall
20 telling us that yesterday?

21 A Yes.

22 Q And in fact, when you met with Patty Shanley, she asked
23 you to put some additional hours on the schedule for your
24 availability; is that correct?

25 A Yes.

1 Q And generally speaking, isn't it true that at Starbucks
2 you have to put in your availability at least three weeks in
3 advance?

4 A Typically, yes.

5 Q And as it stands right now, you're eligible for rehire at
6 Starbucks, correct?

7 A As far as I know, yes.

8 Q But you haven't applied to work this summer?

9 A No.

10 Q Each time that you spoke with Patty, she only -- about
11 your schedule, she never once mentioned your union activities,
12 correct?

13 A No, she did not.

14 MS. POLITO: If I could just have a minute, Your Honor?
15 That's all I have, Your Honor.

16 JUDGE ROSAS: Any redirect?

17 MS. CACACCIO: Yes, Your Honor, very briefly.

18 **REDIRECT EXAMINATION**

19 Q BY MS. CACACCIO: Kellen, a moment ago Respondent Counsel
20 asked you a question about whether you testified that hours
21 aren't guaranteed, you can put whatever you want on the
22 schedule. Why was that question confusing for you?

23 A Because --

24 MS. POLITO: Objection. Leading and asked and answered.

25 JUDGE ROSAS: Overruled.

1 Q BY MS. CACACCIO: Why was that question confusing for you?

2 A Because you can't just throw whatever you want on the
3 schedule.

4 Q So can you explain what you meant by that statement?

5 A Well -- so you have to have it approved, one, and then it
6 also has to fit whatever I can provide that I can work. If I'm
7 not busy with school or any activities pertain to my research
8 at school.

9 MS. CACACCIO: One second, Your Honor. No further
10 questions, Your Honor.

11 JUDGE ROSAS: Charging Party?

12 MR. HAYES: No questions.

13 JUDGE ROSAS: Respondent?

14 MS. POLITO: No further questions, Judge.

15 JUDGE ROSAS: That completes your testimony. You're
16 excused. Do not discuss your testimony with anyone until
17 you're given permission by counsel.

18 THE WITNESS: Thank you.

19 JUDGE ROSAS: Have a good day. Off the record.

20 MS. CACACCIO: Judge, just a second before we go off. Did
21 you have a chance to look at the in-camera --

22 JUDGE ROSAS: No.

23 MS. CACACCIO: -- (indiscernible, simultaneous speech) --

24 JUDGE ROSAS: No, I had to address something else.

25 MS. CACACCIO: Do you --

1 JUDGE ROSAS: You --

2 MS. CACACCIO: -- do you want --

3 JUDGE ROSAS: You need to -- the overwhelming portion of
4 the Jencks affidavit that counsel submitted in-camera pertains
5 to backpay efforts, mitigation, that sort of thing. I left the
6 portions that relate to what the witness alleges were benefits
7 at Starbucks.

8 MS. POLITO: I have no questions on that document, Judge.

9 JUDGE ROSAS: Okay. You are excused. Again, don't
10 discuss your testimony with anyone. Okay?

11 MS. CACACCIO: Can we have just five minutes to get our
12 next witness on the stand, Judge?

13 JUDGE ROSAS: We're off the record.

14 (Off the record at 10:04 a.m.)

15 MS. CACACCIO: Okay. Great.

16 JUDGE ROSAS: General Counsel?

17 MS. CACACCIO: Yes, Your Honor. Before I call my next
18 witness, I just wanted to let Your Honor know -- ask Your
19 Honor, we provided a transcript from a recording that this
20 witness has. She did have a chance to go through and correct
21 it to all the correct names. Respondent has agreed that --
22 that -- that sort of the need to stop the recording as it's
23 going for her to identify people since they're correctly
24 identified in the transcript. But since we didn't have five
25 days to get her some in advance, we still need to play the

1 audio. So what I propose is just to play it straight through
2 without having to stop it every few seconds.

3 JUDGE ROSAS: Respondent, is that still your choice?

4 MR. BALSAM: We're -- we're in agreement on this
5 particular audio recording.

6 JUDGE ROSAS: Which means?

7 MR. BALSAM: We can play it through without stopping.

8 JUDGE ROSAS: Okay. All right. So identify your witness.

9 MS. CACACCIO: All right. General Counsel calls Alexis
10 Rizzo.

11 JUDGE ROSAS: Please raise your right hand.
12 Whereupon,

13 **ALEXIS RIZZO**

14 having been duly sworn, was called as a witness herein and was
15 examined and testified as follows:

16 JUDGE ROSAS: All right. Take -- spell your name,
17 provided with an address.

18 THE WITNESS: It's Alexis Rizzo, A-L-E-X-I-S R-I-Z-Z-O.
19 And I live at (b) (6), (b) (7)(C) .

20 **DIRECT EXAMINATION**

21 Q BY MS. CACACCIO: Hi, Lexi.

22 A Hello.

23 Q What are your pronouns?

24 A She and her.

25 Q And what -- who's your current employer?



- 1 A Starbucks.
- 2 Q How long have you worked at Starbucks?
- 3 A Over seven years now. I started in October of 2015.
- 4 Q And what location do you currently work at?
- 5 A I work at the Genesee Street location --
- 6 Q And --
- 7 A -- which is right across from the airport.
- 8 Q How long have you worked at Genesee Street?
- 9 A I've worked there since May of 2017.
- 10 Q And did you work at another Starbucks location prior to
- 11 Genesee Street?
- 12 A I did. I worked at a store in Naples, Florida. It was on
- 13 Fifth Avenue.
- 14 Q What job position do you currently hold?
- 15 A Shift supervisor.
- 16 Q And how long have you been a shift supervisor?
- 17 A Almost my whole time with the company. I originally got
- 18 promoted like around when I turned 18 in 2016.
- 19 Q And as a shift supervisor, what are your job duties?
- 20 A There is a number of them. I control like floor baristas.
- 21 I deploy roles. I call the play. I do inventory management,
- 22 cash management, delegate tasks, clean the store, all sorts of
- 23 things.
- 24 Q And what's your -- are you a member of Workers United?
- 25 A I am.

1 Q Do you hold any position within this -- the Union?

2 A I was one of the original organizing members that sent the
3 letter to Kevin Johnson.

4 Q And did you sign that letter?

5 A I did, yes.

6 Q Did anyone else from your store sign that letter?

7 A Yes. A few of the other supervisors from my store did,
8 John Yves (phonetic throughout), Caroline Lerczak, and Danka
9 Dragic.

10 Q Are any of those people still working at Starbucks?

11 A Danka and John are; Caroline is not.

12 Q Lexi, what, if anything, did you do during the organizing
13 campaign to show support for the Union at your store?

14 A I was just fairly vocally pro-union while I was at work.
15 I also wore pins and other things on my apron to just show that
16 I was pro-union while I was at work.

17 Q What's the current status of the union at your store?

18 A We won our election. We are waiting to bargain for a
19 contract. We're in that process now.

20 Q At the time the union campaign launched, who was your
21 district manager?

22 A At the time, it was David LeFrois. He had been with the
23 company 20-some years at that point.

24 Q Prior to the campaign, how often did you interact with
25 David LeFrois?

1 A Not very often. I would see him maybe twice to three
2 times a year maximum.

3 Q And where would you see him?

4 A He would stop into our store to do like PDCs, I believe,
5 is the -- want the -- the company policy with our store
6 manager.

7 Q Do you know what a PDC --

8 A They would --

9 Q -- is?

10 A It's like a partner development conversation. It's kind
11 of just like a meeting between the district manager and the
12 store manager. They would go over like metrics of the store,
13 things like that.

14 Q And about how long did Mr. LeFrois spend in the store to
15 your observation prior to the campaign?

16 A Usually he would be around for an hour to two hours tops
17 and then he would depart.

18 Q Did his presence in the store change after the campaign
19 started?

20 A Yes. Pretty much immediately after we sent that letter
21 and went public with our campaign, I saw him almost every day
22 in my store until he was no longer with the company.

23 Q And what did he do in your store after the campaign
24 started?

25 A The -- the very first day that I saw him after the

1 campaign, he had come in and actually pulled me to the side of
2 our pastry case in the store. And he was asking me what, in my
3 opinion, were the issues that we were facing, what I thought
4 the problems at our store were, et cetera.

5 Q You said you were by the pastry case. Were you working at
6 the time?

7 A I was, yes.

8 Q What time of day was that?

9 A It was like mid-morning.

10 Q And was anyone else present for that conversation?

11 A There were other partners working on the floor, but it was
12 just me and David having like the conversation.

13 Q Did you respond to his questions?

14 A Not particularly. I remember feeling a little
15 uncomfortable with the -- with the nature of the conversation
16 considering the circumstances. So I kind of was non --
17 nonspecific and sort of got out of the conversation. It wasn't
18 very long, long.

19 Q Who was your store manager at the time the campaign
20 launched?

21 A At that time, it was Christopher Wright.

22 Q Was he at your store on the day you talked to Mr. LeFrois?

23 A No. He was actually at the time -- was either on vacation
24 or (b) (6), (b) (7)(C). It was kind of the same thing. He had vaca --
25 or was on vacation then (b) (6), (b) (7)(C), was out for a longer period

1 of time after that.

2 Q Do you remember approximately the period of time that he
3 was out for?

4 A He was out from before we sent the letter. And then he
5 had come back -- I don't remember the exact date. It was maybe
6 like a two-week period in the very early part of the campaign
7 that he was gone.

8 Q While -- while your store manager was out, was anyone
9 filling in as store manager?

10 A We did have a proxy store manager assigned. I believe it
11 was Nick Collier (phonetic throughout), who at the time was the
12 store manager of the (indiscernible) location. But on like the
13 day to day, he wasn't really there. It was just the shift
14 supervisors like running the floor.

15 Q What did the proxy store manager do?

16 A He would do like payroll, the things that the supervisor
17 can't do. So like inputting partner hours from the book and
18 getting us paid and administrative things like that.

19 Q Approximately, to your observation, how much time did
20 Chris Wright spend in the store when he was the store manager?

21 A He worked a fair bit when he was the store manager. He
22 would always be scheduled between like 30 to 40 hours a week.
23 Usually, he was always there on Mondays doing admin stuff. And
24 then the rest of the week, he would be on the floor
25 occasionally. He probably actually physically work on a floor

1 like 25 to 30 hours a week.

2 Q Lexi, what are your typical hours?

3 A Before the campaign or now?

4 Q Before the campaign?

5 A I was working 40 hours before the campaign, 35 to 40 --

6 Q And --

7 A -- usually.

8 Q -- what time of day did you typically work?

9 A I used to close. I was the closing shift supervisor for
10 many years. I would always work like 1 to 9:30s, usually four
11 to five days a week. And then right at the beginning of all of
12 this, right before Chris went on vacation, I was switched to
13 opens. This is like right before the campaign launched.

14 At the time, I was told that it was a temporary change
15 because one of our other supervisors, Patricia (phonetic
16 throughout) was going out on surgical leave. So he needed me
17 to step in while he was on vacation and while she was gone to
18 cover some opens. But I never -- my schedule never really
19 changed. I'm still working in the mornings usually. Nowadays
20 it's somewhere like mid-morning shifts, but.

21 Q Lexi, did you ever attend any meetings held by Starbucks
22 in September of 2021?

23 A I did, yes.

24 Q What's the first meeting you attended in September?

25 A The first meeting occurred on a Friday. It was the first

1 Friday after the Sunday we had sent the original letter. And
2 it was held at the Main Street store in Williamsville, and it
3 was like a listening session.

4 Q Why did you attend that listening session?

5 A My store manager at the time, Chris Wright -- this was
6 like maybe the day he got back from his leave. He had to --
7 been back in the store and was very overwhelmed by all the
8 things that had happened while he was gone. But he messaged me
9 and told me about the listening session and asked me if I would
10 want to attend and if I did attend, he would allow me to leave
11 my shift to go to it. And then come back to finish it out.

12 Q Were you paid for the time you were at the meeting?

13 A I was paid, yes.

14 Q What Starbucks managers were at that meeting?

15 A That meeting was Rossann Williams was there. Nathalie was
16 there from Partner Resources. I can't recall her last name.
17 Emily Filc was also there from Partner Resources as well as
18 Deanna from -- I think she was the regional director.

19 Q How many partners were at that meeting?

20 A Probably about 10 to 12 in total.

21 Q Were they all from your store?

22 A No. That one was a mixture of partners from all over the
23 district.

24 Q Did you know all the partners who were there?

25 A I did not. I knew -- I knew three of them.



1 Q Who --

2 A I knew Loretta Sharer (phonetic throughout), who is a
3 partner I've worked with many times. I love her. She's very
4 sweet. And then I knew Roger, who I've also worked a few
5 times. And Kai (phonetic throughout), who was from a very
6 close store to mine. She worked at the Regal store.

7 Q Lexi, did you record this meeting?

8 A I did, yes.

9 Q How did you record it?

10 A I took my iPhone and whatever app is like native to the
11 iPhone. I think it's the voice memos. I just did that and put
12 it on my lap face down for the duration of the meeting.

13 Q Did you record the entire meeting?

14 A Yes.

15 Q When did you start and stop the recording?

16 A I started it right after I sat down. There was like --
17 everyone was like getting interrupted for a while before the
18 actual meeting started. And then I ended it right when the
19 meeting was over, and I was standing up to leave.

20 Q What did you do with the recording after the meeting
21 ended?

22 A I still have it just like on my phone. Otherwise, I just
23 emailed it to you.

24 Q Did you edit the recording in any way after you made it?

25 A No.

1 Q If I were to play the recording for you, could you
2 identify it?

3 A Yes.

4 MS. CACACCIO: I'm going to play what's marked as General
5 Counsel Exhibit 47(a). It's accompanied by the transcript,
6 which is 47(b).

7 (Audio played at 10:22 a.m., ending at 10:55 a.m.)

8 MR. BALSAM: Alicia, please pause it for a moment.

9 MR. BALSAM: Your Honor, I just want to point out that
10 some of the transcript indicates N/A next to the errors where
11 it says unidentified speaker. I just want to confirm that the
12 witness went through this, and N/A indicates that she's not
13 aware of who's speaking.

14 JUDGE ROSAS: Ask the witness.

15 THE WITNESS: Yeah. Those are baristas that I don't know
16 personally enough to recognize their voices. Like, I haven't
17 worked with them before. So they're definitely baristas from
18 other locations, but I just don't know them personally.

19 MR. BALSAM: Okay. Thank you.

20 (Audio played at 10:56 a.m., ending at 11:50 a.m.)

21 JUDGE ROSAS: I just wanted to ask you; how much time is
22 left at this point?

23 MS. PENDER STANLEY: About five minutes of -- of
24 (indiscernible, simultaneous speech).

25 JUDGE ROSAS: Go ahead.

1 (Audio played at 11:51 a.m., ending at 11:54 a.m.)

2 JUDGE ROSAS: That was played for an hour and 31 minutes
3 only?

4 MS. PENDER STANLEY: Yes.

5 JUDGE ROSAS: Okay. All right. We'll go off the record
6 for five minutes.

7 MS. CACACCIO: Your Honor, I did want to offer General
8 Counsel --

9 JUDGE ROSAS: Well, you're going to have voir dire?
10 You're going to have voir dire?

11 MR. BALSAM: No. But we need to raise an objection that
12 we raised over multiple (indiscernible, simultaneous speech).

13 JUDGE ROSAS: Do you have more questions for the witness?

14 MS. PENDER STANLEY: I do. I have about an hour more or
15 more. I can look through if you wanted to break now and have
16 me finish in my break after.

17 JUDGE ROSAS: Okay. Let's -- let's complete this then for
18 the exhibit.

19 MS. PENDER STANLEY: Okay. I offer General Counsel
20 Exhibit 47(a), the recording, as well as 47(b), the annotated
21 transcription.

22 JUDGE ROSAS: Respondent, other than your standing
23 objection, do you have any other objection?

24 MR. BALSAM: No, Your Honor.

25 JUDGE ROSAS: Okay. General Counsel's 47(a) and 47(b) are

1 received over objection.

2 **(General Counsel Exhibit Numbers 47(a) and 47(b) Received into**
3 **Evidence)**

4 JUDGE ROSAS: All right. We will reconvene at 12:55 p.m.
5 Your testimony is not concluded. During lunch recess, don't
6 discuss your case with anyone. All right. You're under oath.
7 (Off the record at 11:55 a.m.)

8 JUDGE ROSAS: All right. General Counsel, continue with
9 your examination.

10 MS. PENDER STANLEY: Thank you, Judge.

11 Q BY MS. PENDER STANLEY: Lexi, aside from the September 3rd
12 meeting, did you attend any other meetings in September of
13 2021?

14 A Yes, I did. There were two that I attended.

15 Q What's the first one?

16 A The first one was about a week, I would say, after the
17 ori -- original listening session that we just listened to.

18 Q And where was that meeting?

19 A This one was held at one of the Marriott hotels that's
20 directly behind my store. There's like three of them in a
21 parking lot back there. This one was one of the two at the
22 sides.

23 Q And what time of day was that meeting?

24 A That one was in the afternoon, probably a little bit later
25 afternoon.

1 Q And why did you attend that meeting?

2 A That meeting was mandatory. So we were just placed on the
3 schedule to attend it, and we were just told to be there at
4 that certain time.

5 Q Who told you that?

6 A Our store manager at the time, Chris Wright.

7 Q How long did that meeting last?

8 A That one was a little over an hour.

9 Q And how many partners were there?

10 A I would say about 10 to 12.

11 Q Were they all from your store?

12 A They were, yes.

13 Q Was your store open during the meeting?

14 A No. They actually closed it early so that the partners
15 that usually worked at night could attend. They had split us
16 up into different groups for that one, so there were different,
17 like, sessions.

18 Q And who was at that meeting from Starbucks Corporate?

19 A That one was Rossann, as well, and then Allyson Peck, and
20 Deanna. I believe that was all.

21 Q Lexi, did you record that meeting?

22 A I attempted to. But not successfully.

23 Q And what happened during that meeting?

24 A That meeting was sort of similar to the first listening
25 session in that there was a lot of focus on ascertaining what

1 those four partners thought that the issues were that we were
2 facing. I believe it was at that first meeting as well that
3 they were explaining to us some of the steps that they were
4 starting to take to assuage the issues that had come up.

5 Q Do you remember any specifics that were discussed?

6 A They talked about the Walden and Anderson store being
7 turned into a training location --

8 Q Who --

9 A -- I believe --

10 Q Who is --

11 A -- at that meeting. Or --

12 Q Who is -- who is "they"? When you say --

13 A Oh, I'm sorry. Rossann and Allyson and Deanna as well.

14 Q Okay. What else did they say?

15 A So they let us know that, obviously, the partners at my
16 store and myself were talking about the issues we were facing
17 with training. Things like that. So they were saying that
18 they were taking steps to assuage those issues. So Rossann was
19 talking about how turning the Walden and Anderson store into a
20 training location would help us get more trained staff in et
21 cetera. But there were other things that my store partners
22 were bringing up t with specifics. Just general grievances and
23 issues that we were facing. Allyson was trying to determine
24 exactly why we felt like we needed to bring in the Union. At
25 this point, our store had petitioned, I believe, so. They

1 knew, like, the situation. So Allyson is asking -- they're
2 starting to mention things like -- the thing makes our company
3 great is like, the partner-to-partner relationship that we
4 have. We want to preserve that. We don't want to bring in
5 like, a third party to the situation, et cetera. They told us
6 also -- like, Rossann mentioned that these -- the meeting
7 you're currently in they were also referring to it as like a
8 listening session and that we would have one each week.

9 MR. BALSAM: Your Honor, I object to the response of
10 "they". It's unclear who the witness is referring to when she
11 says "they".

12 A Sorry. By "they" I mean Rossann, Allyson, and Deanna.
13 Specifically, Rossann at this moment. She was saying that the
14 meetings were being held once a week for us so we would talk
15 about the problems we were facing. The next week Rossann would
16 address what they had done to fix those problems.

17 Q BY MS. PENDER STANLEY: Other than the two meetings we've
18 already talked about; did you attend any others?

19 A Yes. There was another meeting exactly a week after that
20 one.

21 Q And where was that meeting held?

22 A That was also held behind our store, but it was also at a
23 Marriott hotel, just the one adjacent to the one that we were
24 in during the first meeting.

25 Q And at that third meeting, how many partners were there?

1 A I would say also around, like, 10 to 12.

2 Q And what time of day was that meeting?

3 A It was also in the afternoon that one. Around the same
4 time.

5 Q Were you paid to attend that meeting?

6 A Yes, we were.

7 Q And why did you go to that third meeting?

8 A The same as the second one; it was mandatory. So we were
9 placed on the schedule. And my store manager just told us we
10 were to attend it.

11 Q And who from the Starbucks corporate was present for that
12 third meeting?

13 A That third meeting was also Allyson, Rossann, and Deanna.

14 Q And what happened during that meeting?

15 A That meeting was very similar to the second one in that it
16 was us talking about the issues we were facing. The big thing
17 at that meeting was in the week that had passed some steps had
18 been taken to address the concerns that were brought up during
19 the last meeting. So I was talking about how -- our
20 understaffing. A lot of my store partners were also talking
21 about how just the general understaffing was really hurting us
22 at the time. In -- in that week that had passed we had become
23 very overstaffed. So there was a lot of talk about how it
24 wasn't exactly helping and that we were facing a lot of issues
25 in the store. And I brought up the support managers and

1 feeling overstaffed, things like that. At some point during
2 that meeting, Allyson mentioned that she wanted us to feel like
3 it was a very safe place and that we were free to bring out
4 whatever concerns we had, whether it be about our store
5 manager, and that no consequences would happen. We didn't have
6 to worry about it. And then my partner, Madison -- she's one
7 of my baristas --

8 Q What's Madison's last name?

9 A It's Baer, like B-A-E-R. She was talking about an
10 experience that she had during her pregnancy where she,
11 unfortunately, wanted to --

12 MR. BALSAM: Objection. Hearsay.

13 JUDGE ROSAS: That wasn't brought up yesterday, correct?

14 MS. PENDER STANLEY: No. No. Different -- different
15 Madison.

16 JUDGE ROSAS: I'm going to sustain that. You can try to
17 do it a different way.

18 Q BY MS. PENDER STANLEY: Lexi, did you do anything after
19 that meeting ended?

20 A Yes. So I stayed after the meeting to speak with Rossann
21 along with my barista, Madison.

22 Q What did you want to speak to Rossann about?

23 A I wanted to be there to emotionally support Madison with
24 what she was saying. I didn't, at that point, have anything
25 that I specifically wanted to talk to Rossann about, but my

1 barista was talking about a very difficult experience --

2 Q What --

3 A -- and I wanted to be there to support her.

4 Q What did Rossann say in response to what your barista
5 said?

6 A Rossann was very concerned with what had been brought up,
7 and she held Madison's hand and promised her that she would
8 look into it and make it right, et cetera, and she was very
9 concerned. Deanna was also there for that conversation as
10 well, but it was mostly Madison and Rossann speaking. I was
11 just observing so that Madison didn't feel like she was alone
12 in the situation.

13 Q Did Rossann say anything about your store manager during
14 that time?

15 A She did. At that time, she didn't say anything concrete,
16 but she did say that his behavior wasn't acceptable, and it
17 wasn't what we would expect, like, from the Starbucks
18 experience. Things like that. But she didn't say at that
19 point anything concrete about what was going to happen to him.

20 Q After that third meeting in September, did you attend any
21 other meetings at hotels?

22 A No. There was a third one scheduled, but there were some
23 issues in communication with the third meeting.

24 Q Aside from the hotel meetings in September, did you attend
25 any other meeting held by Starbucks?

1 A Yes. There was one more meeting held, I believe, in later
2 October. It was held at my store.

3 Q And why did you attend that meeting?

4 A That meeting was also a mandatory meeting.

5 Q (Indiscernible, simultaneous speech).

6 A At that time our store manager, Chris Wright, was no
7 longer with the company, but we were told to attend by our
8 support managers who were currently taking over. So I
9 received, like, just a notification on my schedule. I was just
10 scheduled to attend the meeting.

11 Q Were you paid to attend the meeting?

12 A Yes. We were paid.

13 Q How many people from your store were at that October
14 meeting?

15 A There were more people at that one because it wasn't split
16 into groups. It was all of my store partners, so there
17 probably was, like, 20 to 30 of us. I don't remember exactly
18 how many partners we had at the time.

19 Q What time of day was that October meeting held?

20 A That meeting was held a little bit later in the day. It
21 was in like, the early evening, probably like 7 or 8:00.

22 Q And was the store open during that meeting?

23 A No. It was closed; however, it was already closed. Our
24 store hours had been shortened at that time. So I believe we
25 were closing at 6 p.m.

1 Q Prior to the Union campaign what were your store hours?

2 A We used to be open from 5 to 9 most days and then 6 to 8
3 on Sundays. We would arrive to open at 4:30 and leave, closing
4 at 9:30.

5 Q And after -- did there come a time when that changed?

6 A Sorry. One more time?

7 Q Did there come a time when that schedule changed?

8 A Oh, yes.

9 Q When was that?

10 A Pretty soon after our Union campaign went public, and we
11 petitioned from that location our hours were shortened pretty
12 aggressively. I would start, like, go in to open at like, 6:30
13 or 7 instead, and our store was closing at 5 or 6 p.m. instead.

14 Q And how long was that situation?

15 A At least a few months. It lasted for a long time. Yeah.

16 Q What are the store hours right now?

17 A As of today, we open at 6:00 on the weekends, 5:00 during
18 the week. But we still close early all week at 8. And then 7
19 on Sundays.

20 Q Turning back to the actual meeting --

21 A Um-hum.

22 Q -- did you say where that meeting took place?

23 A That one did take place at a store.

24 Q And who from Starbucks management was there for that
25 meeting?

1 A That meeting was -- Allyson Peck was there. She was
2 leading the meeting. Emily Filc was also there. She was kind
3 of just doing a projector, like, computer stuff. She didn't
4 speak too much. And then at the beginning of the meeting, our
5 support manager at the time, Ashley -- and she's from Chicago.
6 She was there to do our COVID check-in. Then she departed.
7 Louie, who is the district manager from Chicago at the time --
8 he was also present. And he stayed for the duration.

9 Q And what -- what -- what happened during that meeting?

10 A That meeting was focused a lot on voting in the Union
11 election. At this point, it was right before our ballots were
12 to be mailed to us. So we were told it was kind of like a how-
13 to-vote meeting.

14 Q Who told you that?

15 A The company -- like, our support managers when we were
16 getting scheduled for the meeting. So Louie and Ashley, like,
17 told me, like, this is a meeting about, like, voting in the
18 election. It's really important. Like, make sure everyone
19 goes, essentially. At the beginning of that meeting, there was
20 kind of extenuating circumstances. I was really worried that I
21 wouldn't be allowed into the meeting because I heard that there
22 were other partners -- like, strong Union leaders -- that were
23 being barred from the meetings being held at other stores at
24 the same time. So I contacted my store partners --

25 MR. BALSAM: Your Honor, objection. I think this goes to

1 10(j) evidence that we discussed that we would exclude from
2 this hearing.

3 JUDGE ROSAS: Well, is it responsive to the question?
4 It's giving you an explanation as to why she did something.

5 MS. PENDER STANLEY: Yes. It's -- it's -- she's giving me
6 the -- the background for what action she took.

7 JUDGE ROSAS: Yeah. What did you take? What did you do?

8 THE WITNESS: I contacted all the partners in my store and
9 asked them if they would be willing to meet me early before the
10 meeting in the parking lot --

11 JUDGE ROSAS: Well, hold on.

12 THE WITNESS: -- so that we could walk in together.

13 (Indiscernible, simultaneous speech)

14 JUDGE ROSAS: So you have an objection because you believe
15 that this falls into just and proper evidence related to the
16 10(j) proceeding?

17 MR. BALSAM: That's correct, Your Honor.

18 JUDGE ROSAS: Is that what it's being offered for?

19 MS. PENDER STANLEY: It's not, Your Honor.

20 JUDGE ROSAS: It's related to the allegations of the
21 charges in this case?

22 MS. PENDER STANLEY: Yes.

23 JUDGE ROSAS: In these cases?

24 MS. PENDER STANLEY: Yes.

25 JUDGE ROSAS: Specifically, give me a -- a reference.

1 MS. PENDER STANLEY: What specifically it really, it's
2 just what happened at this -- this October meeting.

3 JUDGE ROSAS: And the meeting itself falls into the
4 category of?

5 MS. PENDER STANLEY: It is -- let me find the actual
6 complaint allegation for you.

7 MR. BALSAM: Your Honor, it goes to the effect of what
8 occurred as a result of this meeting. And that's what it
9 sounds like is being -- the witness is testifying to -- is the
10 effect of this meeting.

11 MS. PENDER STANLEY: It's not, because it's --

12 JUDGE ROSAS: (Indiscernible, simultaneous speech) state
13 the intention. Let's see what the General Counsel relates it
14 to.

15 MS. PENDER STANLEY: Allegation 6(d)5 goes to complaints,
16 grievances, terms, and conditions of employment for meeting
17 activity at the Genesee store on October 24th, 2021.

18 JUDGE ROSAS: Okay. And are you ultimately led into this
19 meeting?

20 THE WITNESS: One more time?

21 JUDGE ROSAS: Are you led into this meeting?

22 THE WITNESS: Yes.

23 MS. PENDER STANLEY: So --

24 MR. BALSAM: Your Honor, the witness is talking about what
25 other partners in other stores said.

1 MS. PENDER STANLEY: I don't think that's correct.

2 MR. BALSAM: I think that is correct. That's what I
3 heard.

4 MS. PENDER STANLEY: She's talking about what other --

5 JUDGE ROSAS: What --

6 MS. PENDER STANLEY: -- partners from her store.

7 JUDGE ROSAS: Do you recall your previous answer --

8 THE WITNESS: Yes.

9 JUDGE ROSAS: -- regarding the partners at the other
10 stores? What did you say?

11 THE WITNESS: I was -- I had a fear that I would not be
12 allowed into my meeting because I was aware that other partners
13 were not being allowed into their meetings.

14 JUDGE ROSAS: Okay. So you have an objection to what she
15 was aware of?

16 MR. BALSAM: That's correct.

17 JUDGE ROSAS: Okay. And we've already had testimony by
18 one witness that she allegedly was not allowed into one
19 meeting, right?

20 UNIDENTIFIED SPEAKER: That was a timing. That was a
21 timing issue.

22 MR. BALSAM: Yeah. It was a timing issue for the first
23 witness. Different situation.

24 JUDGE ROSAS: Close enough. Overruled. Proceed.

25 Q BY MS. PENDER STANLEY: Go ahead, Lexi.

1 A So we all got together in the parking lot before the
2 meeting started about 10, 15 minutes before with the intention
3 of walking in together. So I suggested that to my partners and
4 they were, like, absolutely. So we all got together in the
5 parking lot. We all walked into the meeting as one group. And
6 then Ashley checked us in -- did our COVID check-in. Took our
7 temperature, signed it off. And then she headed out. We all
8 sat, like, around in a big circle all together. Allyson kind
9 of kicked off the meeting by just saying, we're here because
10 Workers United has filed for an election at your store. Your
11 ballots are going to be getting mailed. She was talking about
12 how, in her opinion, it was very, very important that we voted
13 "no" because we needed to preserve the connection that we had
14 between partner-to-partner. We didn't need an outside third
15 party coming in to change things or get in the way and that the
16 company would take care of us on our own. It didn't last super
17 long. I sort of -- it had been a very long time since all of
18 my store partners were together in one room. Many of our
19 partners hadn't worked in a while. So I interrupted Allyson,
20 and I said I just really want to take this chance to open up
21 the floor to my partners, to allow them to vent and talk about
22 the issues that we've been facing since the beginning of this
23 campaign. And so for the next, like, hour or so it was kind of
24 just my store partners venting about store issues.

25 Q What happened after that?

1 A Towards the end of the meeting, once we were sort of
2 winding down our time, Allyson was, like, okay, before we
3 leave, like, I really just have to get into some of these
4 things. It's important that we talk about them. I'm glad you
5 all got a chance to speak, et cetera. And then she pulled up
6 on the computer -- she flipped through a lot of slides kind of
7 quickly since we were running out of time. So pulled up a
8 sample ballot of just, like, the Union election ballot. It was
9 marked "no" very clearly in the box. And so Allyson spent the
10 last, like, ten minutes we had talking about why it was so
11 important for us to vote "no" in the election. That if we
12 voted "yes" the company couldn't guarantee that we wouldn't
13 lose our benefits, that they might stay the same, but we might
14 lose them. That it was the key behind Starbucks and why it was
15 so successful as a company was because we have a partner-to-
16 partner relationship. The only way to preserve that
17 relationship is to vote "no". She said it's so important that
18 each and every one of you vote and all vote "no". And that
19 kind of took up the rest of it.

20 Q How long did that meeting last?

21 A That one was also a little bit over an hour.

22 Q And were the ballots for your store election counted, to
23 your knowledge?

24 A Yes. They were counted.

25 Q How do you know that?

1 A I watched the vote count live from our Union office. I
2 believe it was December 9th.

3 Q And did anything else happen on December 9th that you
4 recall?

5 A Actually, yes. Right after our vote countings were
6 completed -- we were obviously excited -- so myself and
7 Caroline, who were watching the vote count -- we called --

8 Q Who is -- what's Caroline's last name?

9 A Oh, I'm sorry. Caroline Lerczak.

10 Q And that's L-E-R-C-Z- --

11 A C-Z- --

12 Q A-K.

13 A A-K. She'll be mad at me if I got that wrong. But I
14 think that's it.

15 Q Okay. What happened?

16 A We wanted to call our store to allow -- like, to tell the
17 store partners that were working that we had won since they
18 obviously couldn't have their cell phones. So I called my
19 store phone number and it got immediately redirected to like, a
20 corporate line. It just said, like, you've reached 1-800
21 Starbucks. And it was just a deadline. So I was, like, that's
22 strange. Because in my seven-some odd years with the company
23 I've never had that happen before. So I thought maybe it
24 wasn't just a fluke, and maybe it had something to do with the
25 election. So I tried to call Elmwood, and I tried to call Camp

1 Road. Those were the other two stores that I called that day,
2 and it was the same thing. The phone lines were dead. It just
3 went to like, a corporate phone line.

4 Q Did you try calling any other stores?

5 A I tried calling, like, just a random store that wasn't
6 voting that day and it worked -- went through. I think I
7 called Delaware and Chippewa, actually.

8 Q What was the impact on you of not being able to call your
9 store directly?

10 A As a supervisor, I was just --

11 MR. BALSAM: Objection. Relevance.

12 JUDGE ROSAS: Is that an allegation?

13 MS. PENDER STANLEY: Yes.

14 JUDGE ROSAS: Tell me the allegation.

15 MS. PENDER STANLEY: It is -- it is 12(v), which is
16 December 9th, in regards to terms and conditions of employment
17 on its employees by disconnecting the direct line for the store
18 located at the Genesee Street store.

19 MR. BALSAM: Same objection.

20 JUDGE ROSAS: You're saying you tried to call Elmwood and
21 Camp Road?

22 THE WITNESS: Yes. Those were the other two stores that
23 had their votes being counted that day.

24 JUDGE ROSAS: Okay.

25 THE WITNESS: So I tried to call them to see if it was the

1 same situation, and it was.

2 (Indiscernible, simultaneous speech)

3 THE WITNESS: Yes. Correct.

4 JUDGE ROSAS: What's -- what's the basis?

5 MR. BALSAM: Well, first I'm going to move to strike the
6 response just now. But beyond that, it's --

7 JUDGE ROSAS: What do you move to strike?

8 MR. BALSAM: Her respon -- her -- her statement she just
9 now. But again, this partner -- this individual worked at one
10 location. So leading with that, first of all -- let's back up.
11 It's -- it's irrelevant her testimony. Beyond that, the
12 question was vague -- "impact on her". And with respect to the
13 allegation that was just read by the General Counsel, it seems
14 to have happened one time at this one location. And it's
15 unclear how any of this testimony is relevant to the
16 allegation.

17 JUDGE ROSAS: Based on the allegation the General Counsel
18 has just described, I overrule the objection. And I overrule
19 the objection for the motion to strike testimony with respect
20 to her calling the other stores. It's what she did. So -- and
21 it's -- as a result of an action that she allegedly took, which
22 is relevant to the complaint allegation. Overruled.

23 MR. BALSAM: Your Honor? My objection also is with
24 respect to the question is vague.

25 MS. PENDER STANLEY: I can rephrase it.

1 JUDGE ROSAS: If -- if you wish.

2 Q BY MS. PENDER STANLEY: Lexi, what impact, if any, would
3 not being able to call your store directly, have on you
4 personally?

5 A The only acceptable means of communication when you're a
6 Starbucks partners is to call your store. So if I was running
7 late, for example, and I were to call my shift supervisor, call
8 my store manager, or text them, that's not an approved method
9 of communication. The only -- as far as the partner handbook
10 is concerned -- the only approved method of communicating with
11 your store is to physically call your store. So otherwise, I
12 could be written up for not calling in if I was running late or
13 not calling in for my shift, et cetera. I also felt that it
14 was a Pew (phonetic throughout) safety issue. With me, I -- I
15 go to work at 4:30 in the morning as an opener. I have other
16 baristas coming in at 4:30 in the morning with me. This is
17 December in Buffalo. So there's many mornings where there's
18 really bad inclement weather. So if a partner was in an
19 accident, et cetera, I felt really concerned that they had no
20 way to contact me at the store. So A, we just -- that's -- we
21 can't communicate with the store in any other way, as far as
22 the company is concerned. So it's a disciplinary issue. And
23 then, B, I felt it was a safety issue for myself and my
24 partners --

25 Q Was --



1 A -- to have no means to co -- communicate.

2 Q Was that issue of the disconnected phone line at the store
3 ever resolved?

4 A It was. But not for probably about a month or so after.
5 I complained very aggressively to whoever would listen about
6 the phone line being disconnected because I felt very strongly
7 that it wasn't safe.

8 Q Who did you complain to?

9 A Pretty much everyone. I complained to my support managers
10 at the time -- so Ashley, Lyman (phonetic throughout), Louie.
11 I complained to -- actually, I don't think Lyman was there
12 anymore. Louie, the other DM was there. He was the one who
13 eventually fixed it for me. He was, like, the Chicago district
14 manager at the time, I believe.

15 Q Lexi, did you ever observe any changes in your store that
16 you believed were responses to the concerns employees raised in
17 the September meetings?

18 MR. BALSAM: Objection. Leading.

19 JUDGE ROSAS: Rephrase.

20 Q BY MS. PENDER STANLEY: Was there any change in your store
21 after the September meetings were held?

22 A Yes. There was -- after the first meeting that was held,
23 the main issues that were brought up was things like staffing,
24 training, et cetera. By the time the second meeting was held,
25 our store -- we had, like, probably 15 to 18 people on the

1 floor at once. So we became very overstaffed almost overnight.
2 That was a big -- big thing. We also started receiving, like,
3 new trainees from the Walden Anderson training location after a
4 week or two that were not properly trained. And we also,
5 like -- at some point in September we were told that we'd be
6 closed for a remodel. So that was also a thing. The biggest
7 change that happened immediately was the overstaffing.

8 Q Are you aware of any other stores that co -- that closed
9 for remodels?

10 A One more time?

11 Q Were you aw -- are you aware of any other stores that were
12 closed for remodels?

13 A Oh, yes. I believe Niagara Falls Boulevard got a remodel.

14 Q How do you know that Niagara Falls Boulevard got
15 remodeled?

16 A They gave -- their store partners were sent to work at my
17 location while their store was closed for the remodel. So I
18 worked with their store partners for, like, a week or so.

19 Q How far is your store from Niagara Falls Boulevard store?

20 A It's quite a hike. I'd say it's, like, a 20 to 30-minute
21 drive.

22 Q Did the -- did the presence of the Niagara Falls Boulevard
23 partners in your store have any impact on you?

24 A Yes. Just in my general, like, day-to-day job as a
25 supervisor, it became very difficult to run a floor. They --

1 their shifts were just added on in addition to all of my store
2 partner shifts and all the support manager shifts and all the
3 already overstaffed shifts that we had. So I just had to
4 figure out what to do with all the extra people. So that was a
5 big stressor. I also faced issues where my baristas were
6 approaching me and upset a lot about things that had happened,
7 like, while they were working with these stores' partners.
8 Like, I had a partner be told she was dumb. Just generally not
9 best treatment. So that was upsetting for me as a supervisor,
10 too. And then there was, of course, we at some point I found
11 out that the partners who had worked at my store from the
12 Niagara Falls Boulevard location were on our voting list for
13 our election, which was really upsetting.

14 MR. BALSAM: Move to strike that response as nonresponsive
15 to the question.

16 MS. PENDER STANLEY: It was responsive. That was an
17 impact on her.

18 MR. BALSAM: She asked if -- the question was --

19 JUDGE ROSAS: I'm going to sustain the objection as it
20 relates to terms and conditions of employment.

21 MR. BALSAM: And Your Honor, you're -- you're going to
22 strike that as --

23 JUDGE ROSAS: It's stricken.

24 MR. BALSAM: Thank you.

25 JUDGE ROSAS: It's stricken. That last (indiscernible,

1 simultaneous speech).

2 MR. BALSAM: Thank you.

3 Q BY MS. PENDER STANLEY: Lexi, to your knowledge, did
4 having the Niagara Falls Boulevard partners at your store
5 impact the election at your store?

6 A Yes.

7 MR. BALSAM: Objection. Leading.

8 JUDGE ROSAS: Is that an allegation?

9 MS. PENDER STANLEY: Yes. It goes to allegation -- I'm
10 trying to tell you the correct one. 9(d). They had
11 overstaffing at the Buffalo facility Respondent has been
12 increasing benefits to employees and -- and Union support.

13 MR. BALSAM: Same objection. But it's also, I think,
14 irrelevant here, and also calls for speculation. This witness
15 doesn't know the impact of sta -- increased staffing at her
16 store.

17 JUDGE ROSAS: If she knows, you can probe on cross.
18 Overruled. You can answer.

19 A I physically saw, like, my voting list for my store. It
20 had the names of my store partners, but also the names of
21 approximately ten store partners from Niagara Falls Boulevard.
22 When I received the copy of the voting list it made me very
23 upset because I felt as though it was impacting the democracy
24 of what is supposed to be a democratic election. So it was
25 very personally upsetting to me. It was difficult for me to

1 properly explain to my store partners why this was happening.
2 And so --

3 MR. BALSAM: Your Honor, I move to strike again. If you
4 look at the allegation, it's very simple. It says increasing
5 benefits to the employees in an attempt to dilute Union
6 support. The entire testimony here is irrelevant to that
7 allegation.

8 JUDGE ROSAS: Okay. I'm -- I'm going to strike the
9 answer. Repeat the question. Just -- just answer the
10 question, okay? You don't have to get too much into
11 explanation. Just answer it.

12 THE WITNESS: Yes, sir.

13 MS. PENDER STANLEY: Okay.

14 Q BY MS. PENDER STANLEY: Lexi, to your knowledge, did
15 having Niagara Falls Boulevard partners at your store impact
16 the Genesee store election?

17 A Yes. It was --

18 MR. BALSAM: Objection. How could she know that? Calls
19 for speculation.

20 JUDGE ROSAS: Well, I'm -- I'm going to sustain that.

21 MS. PENDER STANLEY: I asked if it was to her knowledge --
22 if she doesn't have any knowledge.

23 MR. BALSAM: And again, how is it relevant -- how is
24 relevant to the allegation in -- in the complaint?

25 JUDGE ROSAS: It's conclusory. Overruled. I mean,

1 sustained. I'll make that decision. I'm not going to defer to
2 the witness for that decision. I have to do my job.

3 Q BY MS. PENDER STANLEY: Lexi, you made mention of support
4 managers.

5 A Um-hum.

6 Q What support managers were assigned to your store and
7 when?

8 A Originally, the first support managers that we had
9 assigned was Lyman. He was from Colorado Springs, I believe.
10 We also had at the very beginning Ashley, who was from Chicago.
11 Those were the first two support managers that were assigned to
12 my location. They arrived right around when Chris was removed
13 from my store. Ashley was the first one, and Lyman came, like,
14 directly afterwards.

15 Q And when was that?

16 A That was in like, right at -- right at the beginning of
17 the campaign. Right towards the beginning. I think Chris was
18 only in our store for seven to ten days before he was gone
19 again. And then the support managers were in. I don't
20 remember the exact date that they first showed up.

21 Q What month was it in?

22 A September. Early September, I would say.

23 Q And how long did Louie -- or did Lyman stay?

24 A Lyman was only actually in my store for about six weeks.
25 I believe he had, like, a six-week stay and then that was it.

1 And then Ashley stayed for quite a while. Louie came in after
2 Lyman left or right around that same time. Louie was our
3 support manager until very recently.

4 Q Do you know Louie's last name?

5 A DeFeo.

6 Q And what about Lyman?

7 A Mendoza (phonetic throughout), I believe.

8 Q Do you know Ashley's last name?

9 A I think it's -- I think it's Strong, but I'm not 100
10 percent sure. I do remember that she was from the Chicago
11 store.

12 Q Were there any other support managers stationed at your
13 store at any time?

14 A Yes. We had probably, like, a rotating, like, dozen or
15 so. I'll list all the names that I can remember. But there
16 were so many. We had Tomas (phonetic throughout), Avery
17 (phonetic throughout). There was Joanna (phonetic throughout).
18 There was Louie, the DM whom I've previously mentioned. And
19 then M.K., of course, who was our acting district manager at
20 the time. And there was -- oh, there were so many. I think
21 that's all that comes to the top of my brain right now.

22 Q What did you observe support managers doing at your store
23 when you were working?

24 A It depended on which individual it was. There were some
25 support managers that I couldn't deploy to certain positions

1 because they didn't have as much experience doing barista jobs.
2 Like, making the drinks, cooking the food, et cetera. A lot of
3 times the support managers would kind of rearrange the lobby,
4 like, dust the retail things. Just -- they would kind of just
5 appear. Sometimes they would be on the DCR for me -- like,
6 with my coverage report that I look at as a supervisor. And
7 sometimes they wouldn't. They would just come in and be, like,
8 oh, here to help you. So I would try to deploy them on the
9 floor. Sometimes they would be working off the floor doing
10 administrative tasks that my old store manager would've
11 performed. So they'd be like sitting in the backroom with a
12 headset on doing the schedule, et cetera. There were some
13 support managers who took, like, a more active role in the
14 management of my store. Like, the ones that were assigned to
15 me. Like, Ashley, Louie, for example, and Lyman as well. So
16 Lyman did a lot of rearranging of my store while he was there.
17 Put up a lot of fixtures. Did a lot of house working things.
18 Ashley made our schedules. Ashley also at several points would
19 come onto my floor and like, ask me if she could borrow one of
20 my baristas. And I would say, sure. And I'd summon one of my
21 baristas. And she would have, like, one-on-one conversations
22 with them.

23 Q Who's your current store manager?

24 A At this time, it is Julie.

25 Q When did Julie start?



1 A Julie was an ASM that trained at my store with Louie while
2 he was still our support manager. And then once she was ready
3 to step up to store manager is when Louie left. This was
4 probably about, like, three months ago now.

5 Q Lexi, is your store a drive-thru store?

6 A It is, yes.

7 Q How does that work?

8 A With the drive-thru, we -- all the store partners usually
9 will wear, like, a headset. We'll have one partner assigned to
10 be taking orders. One person assigned to be, like, cashing the
11 customers. Usually, the rest of the store partners would have
12 a headset on as well, and we use the headsets to like, chat
13 with each other.

14 Q Did that ever change?

15 A It did change after the beginning of the campaign once our
16 store manager, Chris, was gone, and the support managers took
17 over. They instituted the rule that only drive-thru order,
18 drive-thru bar, and warming -- only those three partners were
19 able to wear headsets. Which, for me, was difficult because it
20 takes away a lot of our ability to like, have nice
21 conversations, have good morale on the floor, and just be
22 together. It's a nice way for us to be able to talk without
23 necessarily being in the earshot of customers.

24 Q So was it just those three positions that were wearing
25 headsets?



1 A Correct. Yeah. So after they instituted that rule, only
2 those three store -- like, the partners on the --

3 MR. BALSAM: Objection. Nonresponsive. It was a "yes" or
4 "no" question.

5 JUDGE ROSAS: Sustained. "Yes" or "no". Let me -- let me
6 just give you a little bit of instruction so -- because as you
7 can see, it's contentious if your answer gets a little
8 lengthier than it need be, okay?

9 THE WITNESS: Yeah.

10 JUDGE ROSAS: Okay. Let the lawyers do their job and ask
11 you the questions. Try to answer them as literally as
12 possible. If it calls for "yes" or "no" answer, give it a
13 "yes" or "no". Let them follow up as appropriate. Okay?

14 THE WITNESS: Thank you. Yeah.

15 JUDGE ROSAS: Go ahead. Repeat.

16 Q BY MS. PENDER STANLEY: Lexi, when Chris Wright was your
17 store manager, did he wear a headset?

18 A Only if he was --

19 MR. BALSAM: Objection. Nonresponsive.

20 JUDGE ROSAS: See how it works? "Yes" --

21 A Yes and no.

22 JUDGE ROSAS: Okay.

23 THE WITNESS: Neither yes or no answer, though.

24 (Indiscernible, simultaneous speech)

25 JUDGE ROSAS: Well, I shouldn't give you -- answer that --

1 or in that form.

2 MS. PENDER STANLEY: I'll ask another way.

3 JUDGE ROSAS: Okay.

4 Q BY MS. PENDER STANLEY: When Chris Wright was your store
5 manager, did he ever wear a headset?

6 A Yes. Sometimes.

7 Q When -- on what occasions would he wear a headset?

8 A He would wear a headset if he was working currently
9 physically on the floor at that time. Not if he was in the
10 back room.

11 Q Did support managers in your store wear headsets?

12 A Yes.

13 Q On what occasions would support managers in your store
14 wear headsets?

15 A All the time.

16 Q Did you ever communicate with a support manager via
17 headset in your store?

18 A Yes. Besides --

19 MR. BALSAM: Objection. Nonresponsive.

20 A Yes.

21 JUDGE ROSAS: The answer is "yes". Next question.

22 Q BY MS. PENDER STANLEY: What support manager did you
23 communicate with via headset in your store?

24 A Joanna --

25 Q When --



- 1 A -- was the most memorable.
- 2 Q When did that happen?
- 3 A That happened probably in October, November.
- 4 Q And what was that interaction?
- 5 A I was on bar. I was making a latte. I was talking with
- 6 the B (phonetic throughout) button on the headset, which is
- 7 what we use to talk to just each other, not to customers. I
- 8 spilled milk on my hand. It was hot. I hurt myself. I said,
- 9 "shit". And Joanna turned on her headset from where she was
- 10 located in the store, and said, watch your mouth.
- 11 Q Do you know where Joanna was located in the store at that
- 12 time?
- 13 A At that time, she was in the back room.
- 14 MR. BALSAM: Objection. Nonresponsive.
- 15 MS. PENDER STANLEY: She's answering the question.
- 16 MR. BALSAM: She's not. She's --
- 17 MS. PENDER STANLEY: I asked her --
- 18 JUDGE ROSAS: Do you know where she was?
- 19 THE WITNESS: Yes.
- 20 Q BY MS. PENDER STANLEY: Where was she, Lexi?
- 21 A She was in the backroom of the store.
- 22 Q And where were you at that time?
- 23 A I was on bar, so working on the floor.
- 24 Q Could she visibly see you at that time?
- 25 A No.

1 MR. BALSAM: Objection. Move to strike. I don't know how
2 this witness can testify about what someone else was able to
3 see.

4 Q BY MS. PENDER STANLEY: Lexi, what's the layout of your
5 store?

6 A So our backroom is very large. When you walk into the
7 backroom there's a sliding -- a flip door at the time -- and
8 you can't really see through it. And the backroom has a large
9 new area where all of our products are stored. So if you were
10 putting away the order, as Joanna was apparently doing, you
11 would be tucked far away into, like, a back corner.

12 Q And have you --

13 JUDGE ROSAS: Just -- just so the record's clear. You --
14 the previously answer of "no" was stricken, and we had the
15 witness's explanation as to whether this individual, Joanna,
16 would've been able to see her.

17 Q BY MS. PENDER STANLEY: Have you ever worked in the
18 backroom of your store?

19 A Yes.

20 Q From that position have you been able to see the person on
21 the bar?

22 A No.

23 Q Did you have any other interactions with Joanna that you
24 recall?

25 A I had several.

1 MR. BALSAM: Objection. Nonresponsive.

2 A Yes. Sorry.

3 JUDGE ROSAS: "I've had several" is stricken. She
4 answered "yes". Next question.

5 Q BY MS. PENDER STANLEY: Can you tell me -- I need specific
6 examples that you recall.

7 A There was a day I was --

8 MR. BALSAM: Objection. Nonresponsive. It's a "yes" or
9 "no" question.

10 A Okay. Yes.

11 Q BY MS. PENDER STANLEY: What example do you recall, Lexi?

12 A I was working on the front register one day, so I was
13 helping customers with their orders. I had a -- one of our
14 regular customers approached. And at this point, we had just
15 won our Union campaign, so it would've been mid-December. I
16 was talking with this customer because he was really excited
17 for us. He was asking me questions, like, oh, how's it going?
18 He was just generally pleased. So I was having a nice
19 conversation. Joanna approached me -- I also had one of my
20 baristas with me -- Allison Wertz. So we were both just
21 engaged in this conversation, connecting with the customer. I
22 had Joanna walk up behind me and she asked us both if we had
23 anything better that we could be doing in that moment. I
24 remained talking with the customer, but Allison went off. I
25 did respond to her and say that I thought that connecting with

1 the customer is exactly what I'm supposed to do.

2 Q Did you have any similar conversations with any other
3 support managers that you recall?

4 A I did have manag --

5 Q When was that?

6 MR. BALSAM: Objection. Compound.

7 MS. PENDER STANLEY: She answered. And I was asking her
8 another question.

9 JUDGE ROSAS: Overruled. You can answer it.

10 A Yeah. I --I did. I had one with Ashley, the support
11 manager who was originally assigned to my location.

12 Q BY MS. PENDER STANLEY: When did you have that
13 conversation with Ashley? I can't remember the exact date, but
14 it would've been earlier on since Ashley did leave at some
15 point to go back to Chicago.

16 Q And what was that interaction?

17 A I had a -- one of the partners who works at the Regal
18 store, Brian. He had come in to get a drink on his day off. I
19 was -- I don't remember exactly what position I was doing. I
20 was probably on bar because I was in that corner of the
21 store -- and I was just having a conversation with Brian over
22 the bar. It was about the Union. I had my support manager,
23 Ashley -- after I was done talking to him and he had
24 departed -- she pulled me aside to -- beside the pastry case,
25 and she told me that I was taking my partners and myself out of

1 the positions that we were supposed to be doing in order to
2 have these conversations and that that wasn't acceptable. I
3 have explained -- or responded to her, saying, I thought that
4 if a partner was here off the clock and they were customer, and
5 we were to treat them as a customer. So I was simply
6 interacting with a customer.

7 Q Prior to the Union organizing campaign, Lexi, in your time
8 working for Starbucks, how many support managers did you meet?

9 A Zero.

10 Q After the campaign started, what was your work schedule in
11 September of 2021?

12 A After --

13 MR. BALSAM: Objection. Asked and answered.

14 Q BY MS. PENDER STANLEY: Lexi, how often were support
15 managers in your store after the union campaign started, to
16 your knowledge?

17 A Very, very frequently. Almost the entire day as far as I
18 could confirm from reading my daily coverage reports.

19 Q And in your experience, what hours do support managers
20 spend at the store?

21 A At that time, they were there from almost open to close.
22 I would open at 4:30. And usually, a support manager would be
23 opening with me. I would be leaving around like 1 or 2,
24 depending on the day. And there would be another support
25 manager arriving for their shift to work with the closing shift

1 supervisor. As the campaign went on, it got a little bit less.
2 Like, they would come in for me like around 7 instead of at
3 4:30. But I would always have at least one support manager
4 working with me, if not two or three.

5 Q After the campaign started, were any other upper
6 management people at your store other than support managers?

7 A Yeah. There was some -- a number of different folks from
8 partner resources. So like Emily, Natalie, some other folks
9 who I don't remember their names. There was -- like Rossann
10 was in frequently. Deanna was in frequently. I would see
11 Allyson a lot, as well. And then some other corporate faces
12 that I just don't know their names.

13 Q Had you ever met Rossann Williams prior to the --

14 A No.

15 Q -- union organizing campaign?

16 A No.

17 Q What about Deanna Pusatier?

18 A No.

19 Q What about Allyson Peck?

20 A No.

21 Q Natalie from partner resources?

22 A No.

23 Q Emily from partner resources?

24 A No.

25 Q Did you ever have any interactions with Rossann Williams?

1 A I did. Yes.

2 Q When did you have an interaction with her?

3 A It would have been probably -- it was after we had won our
4 election at my location but before winter had set in very hard.
5 Sorry, that's how I justify time in my head in Buffalo. We
6 were sitting outside on the patio because I had approached
7 Rossann when she had visited my store. I asked her if I could
8 potentially speak with her for a little while since there were
9 a lot of concerns that I had at the time about the way things
10 were going at my location.

11 Q And what happened during that conversation?

12 A So I went outside with her, and we sat outside on the
13 patio. And I explained to her that there were just big
14 pressing issues. At that point, the biggest one was our store
15 schedules were not being posted. On that day, it was a Sunday
16 that we had spoken. And the schedule for the very next day,
17 which was a Monday, had not been posted yet. So obviously, I
18 and my store partners were not happy about that. There were --
19 the biggest other pressing issue that I brought up with her was
20 our store hours and our store schedule. At that point, we were
21 closing at 5 p.m. And I had a lot of baristas who their
22 availability was only 4:30 to 9:30. So they simply could not
23 work anymore. And obviously, that's upsetting to me because I
24 don't want my baristas to not be able to pay their bills. So I
25 asked Rossann if there was anything we can do to assuage that.

1 And those were the two big, big things.

2 Q And what did Rossann say?

3 A She was very complimentary towards me at that point. She
4 had thanked me for sharing my opinion and said that she knew,
5 like, we didn't -- wouldn't agree on everything but that she
6 appreciated me caring about my team, et cetera. She promised
7 me that she would do everything she could to fix these problems
8 and that she was going to stop back in the very next day to
9 meet with me again and let me know what she had done to -- to
10 work on those issues.

11 Q And did -- did you meet with Rossann the following day?

12 A I did not see her again.

13 Q When is the next time you spoke to Rossann about these
14 issues?

15 A The very next time would have been right after Howard
16 Shultz's speech downtown.

17 Q And where -- where did you talk with Rossann?

18 A I talked to her like in the ballroom directly after the
19 speech had finished.

20 Q And who else was there?

21 A Madison. The same barista that I had spoken about before.

22 Q What was the interaction that you had with Rossann on that
23 date?

24 A I wanted to follow up with her about that conversation we
25 had had previously because at that point, the only thing that

1 had changed was our store schedules being posted more
2 frequently. And my barista Madison had told me she also wanted
3 to talk to Rossann. So we approached together. I briefly
4 asked her -- there were a lot of people gathered around her
5 like in a circle. Everyone wanted to, like, speak with her.
6 So I briefly asked her why I hadn't heard back from her about
7 those issues. And she assured me that she was, like, looking
8 into it, working on it, et cetera. At that point, my barista
9 Madison took over the conversation to see what -- to say what
10 she needed to say. And I just stood for emotional support.

11 Q Going back to interactions with managers at your store --

12 A Uh-huh.

13 Q -- do you recall interacting with anyone else?

14 A I did have -- towards the beginning -- oh, I mentioned
15 David LeFrois already, right?

16 Q Yes.

17 A Yes. Okay.

18 MR. BALSAM: Objection. The witness can't ask questions.

19 THE WITNESS: Sorry.

20 Q BY MS. PENDER STANLEY: Any other interactions that you
21 recall?

22 A I interacted with M.K. towards the beginning of the
23 campaign, as well, because she was delivering me a corrective
24 action.

25 Q When was that?

1 A It was very close to the beginning of the campaign. I
2 don't remember the exact date that it would have occurred. But
3 it would have been in like early October, late September.

4 Q And where were you?

5 A It was in the back room of my store. I was working, like,
6 a regularly scheduled shift at the time. And I think --

7 MR. BALSAM: Objection. Nonresponsive. She already
8 answered the question.

9 JUDGE ROSAS: Sustained.

10 Q BY MS. PENDER STANLEY: What happened during your
11 interactions with M.K.?

12 A So I was working my regularly scheduled shift. And M.K.
13 arrived with I believe it was Natalie from Partner Resources
14 and asked to speak to me in the back room. We went into the
15 back room. And I was just delivered a written warning for --
16 it was something related to tardiness. I do not remember the
17 exact circumstances. M.K. had mentioned that since it had
18 happened under, like, previous management, that she wasn't
19 going to put me on, like, a final written warning since she
20 wasn't aware of all the exact circumstances. And I honestly
21 didn't remember the exact circumstances at that moment either
22 because it was something that had happened prior in the past.
23 And all I remembered about it, the specific event, was that it
24 was something I had talked to about with Christopher, my
25 previous manager, and that it was okay at the time. But --

1 Q What happened next in your interaction with M.K.?

2 A That day, nothing. We just -- I had the corrective action
3 delivered. I signed it. She signed it. We both got copies.
4 Yeah.

5 Q Had you been disciplined other than that in your time
6 working at Starbucks?

7 A Yes. I've been delivered, like, documented coachings in
8 the past for some silly things.

9 Q Have you ever had any written warnings?

10 A Not that I know of besides this one.

11 Q What about final written warnings?

12 A No.

13 Q Do you recall any other changes in your store after that
14 campaign launch?

15 A Yes.

16 Q What do you recall?

17 A There were a number of changes to operational things,
18 policies, things of that nature.

19 Q Can you give me any examples?

20 A Yeah. A big one was cash management. Like a lot of
21 different cash management related policies. For my entire
22 Starbucks career up until this point, if you were to be sent on
23 like a 10-minute break, 30-minute break, you could either make
24 your own drink really quick and then have another partner mark
25 it out for you, you could -- if your shift supervisor -- like

1 as a shift, I would ask my barista like hi, I'm about to send
2 you on a ten, do you want me to throw on a sandwich for you.
3 So I was always allowed for the years of my career to kind of
4 do things like that because the alternative is your barista,
5 like, waiting in line with all the customers, ordering at the
6 register, waiting at the handoff lane for their stuff to be
7 ready. Usually their ten-minute break is over at that point.
8 After the campaign started, we were told that we needed to be
9 following those rules to a tee 100 percent of the time.

10 Q Who told you that?

11 A Our support managers. So Louie actually at the time.
12 I -- again, this was always the technical policy, but it was
13 never the practice policy. There was also, as I mentioned
14 before briefly, the headsets. That was a big -- a big one. I
15 also was corrected on my dress code a lot more aggressively
16 than I ever had been in the past. My store partners were, as
17 well. I was personally told by Louie that I needed to buy,
18 like, new pairs of jeans because my jeans had little rips in
19 the knees from cleaning at work. So I had to spend money on
20 new jeans, et cetera. I was -- he told me that I would be,
21 like, written up if I wore the ripped jeans again. That had
22 never been a problem in the past years of my career. And I
23 mean, again, it was technically always in the dress code, but
24 it was never practiced.

25 Q Was your store ever closed for a period of time?

1 A Yes.

2 Q When was that?

3 A I do not remember the exact date. It was right after one
4 was closed for their remodel; we were closed for our remodel.

5 Q How long was your store closed for?

6 A A week.

7 Q And did you work at your store during that time?

8 A I did not. No.

9 Q What did you do instead?

10 A I worked at the Elmwood location.

11 Q Is the Elmwood store the closest store to yours?

12 A No. Not at all.

13 Q Was the Niagara Falls Boulevard store open in that week,
14 to your knowledge?

15 A It was. Yes.

16 Q What if anything was changed in your store during that
17 remodel?

18 A A -- a few minor things. Our store was relatively new at
19 the time. But the biggest changes were the expansion of our
20 bar space. So we lost some dining area, gained some bar space.
21 Our bar was like knocked down and turned into, like, a very
22 large hot handoff claim to, like, open up the space. We got
23 new sink fixtures installed. They did some, like, general
24 painting, new paintings, things like that. The biggest change
25 was, like, the expansion of the actual space that we had behind

1 the line.

2 Q Lexi, in your time working at Starbucks, have you ever
3 received a raise?

4 A Yes.

5 Q Do you know what that raise typically is based on?

6 A Yeah. It's usually like a once per year cost of living
7 increase. It depended on the year. It would be like between
8 like two and four percent usually.

9 Q Have you ever received a raise based on seniority?

10 A No. Not specifically. There were some of those cost of
11 living raises in the past that we were told, like, if you have,
12 like, four or more years of tenure, you'll get an extra one
13 percent, et cetera.

14 Q Did you ever hear anything about a seniority-based raise?

15 A Yes. But it was after -- sorry. Yes.

16 Q When did you hear about it?

17 A I heard about it during our campaign after some weeks had
18 passed. It was probably in like September or October.

19 Q And how did you hear about it?

20 A I heard about it because it was posted in a packet in a
21 notice on our back-room fridge by my support manager Ashley.

22 Q And what did you learn from that?

23 A The company was -- said that in I believe January of this
24 year, that we would all be receiving -- it said I think, like,
25 for two years of tenure it would be, like, up to a five percent

1 raise. And like above five years of tenure, it would be up to
2 a ten percent raise in our pay. And it was supposed to take
3 effect in January, I believe.

4 Q To your knowledge, have you received any raise since
5 January?

6 A I personally have not. No.

7 MS. PENDER STANLEY: Can I have two minutes, Your Honor?

8 JUDGE ROSAS: Off the record.

9 (Off the record at 1:50 p.m.)

10 MR. BALSAM: Your Honor, before the counsel for the
11 General Counsel continues with direct, I'd like to note for
12 the -- for the record my objection to the Union and the counsel
13 for the General Counsel conferring while the witness is on the
14 stand regarding potential additional direct questions. I think
15 it's highly inappropriate given the fact that the counsel --
16 counsel for the General Counsel is prosecuting this case
17 separately from the Union. I just want to make that for -- for
18 the record.

19 JUDGE ROSAS: There, you know, it kind of goes both ways.
20 They're united in their interests. So there's -- there's --
21 there's drawbacks to that relationship, too. But this is an
22 obvious one. Not inappropriate. Overruled.

23 Go ahead. Let's go.

24 MS. PENDER STANLEY: I have nothing further for this
25 witness at this time subject to --

1 JUDGE ROSAS: Okay. Charging Party, anything?

2 MR. HAYES: No questions.

3 JUDGE ROSAS: All right. Okay. Any cross-examination by
4 the Respondent?

5 Off the record.

6 (Off the record at 1:58 p.m.)

7 JUDGE ROSAS: Respondent, cross?

8 MR. BALSAM: Thank you.

9 **CROSS-EXAMINATION**

10 Q BY MR. BALSAM: You testified that you started working at
11 Starbucks about seven years ago; is that correct?

12 A Correct.

13 Q When you first started working for Starbucks, were you
14 provided a copy of the partner guide?

15 A I can't recall that entire day. But I'm sure I was.
16 Yeah.

17 Q So as you sit here today, have you seen the partner guide?

18 A Yes. I've seen the -- the partner guide.

19 Q And when you were ultimately given a copy of the partner
20 guide, did you acknowledge receipt of the partner guide?

21 A Can you say that again?

22 Q Did you acknowledge receipt of the part -- partner guide?

23 A Like, did I sign it?

24 Q Yes.

25 A Yes.



1 Q And by signing that document, you agreed to comply with
2 all Starbucks' policies and procedures, correct?

3 A Yeah.

4 Q You testified that you were I believe a participant in the
5 letter -- the "Dear Kevin" letter that was sent in August,
6 correct?

7 A Correct.

8 Q What was the date that that letter was first sent?

9 A I do not recall the exact date. I know it was in late
10 August.

11 Q Okay. Prior to the transmission of the "Dear Kevin"
12 letter, had you or anyone else that you're familiar with made
13 it public that there was a union organizing campaign occurring?

14 A No.

15 Q You also testified that before the campaign, you switched
16 shifts -- shifts and now closed; is that correct?

17 A The other way around. I was a closing supervisor for many
18 years. I was switched to opens.

19 Q You also testified that Chris Wright told you that it
20 would be a temporary switch?

21 A Yes. At the time.

22 Q Isn't it -- isn't it true that you control what you submit
23 for your availability?

24 A Yes.

25 Q And isn't it true that you identified Wednesday to Sunday,

1 4:30 a.m. to 6 p.m., as the dates when you are available?

2 A I -- I don't believe so. I think I also have Friday
3 outside my availability. I was told my availability would not
4 be approved if I changed it.

5 Q Who told you that?

6 A Our -- one of the support managers that took over for
7 Chris. I believe it was Ashley. She was in charge of making
8 our schedules at the time.

9 Q You believe -- are you sure it was Ashley, or you believe
10 it was Ashley?

11 A I'm not 100 percent sure it was her since there were so
12 many management faces. But she was making our schedules at
13 that time.

14 Q And since the time that you had submitted your
15 availability for the closing shifts, has there been an
16 opportunity for you to switch to change your availability?

17 A Yes. I actually changed it recently.

18 Q Okay. So it was -- you -- so what is your current
19 availability now?

20 A It is -- depending on the day, it's very different.
21 There's certain days I'm only available until like 7 p.m.,
22 certain days I'm available until close. So it depends on the
23 day. I can't recall all of it off the top of my head.

24 Q Okay. You also testified that after the campaign was
25 announced, District Manager David LeFrois approached you and

1 asked you about issues in the store, correct?

2 A Yes.

3 Q Just -- just wait for me to finish my question before you
4 answer, okay? You -- you testified that you found it
5 objectionable that he approached you; is that correct?

6 A I did.

7 Q What did you find objectionable of him speaking with you?

8 A I found it objectionable that he was trying to find out
9 the issues that we were facing at that time in the store.

10 Q But weren't you a shift supervisor?

11 A Yes.

12 Q Isn't it something that you would be able to relay to
13 someone else if there were issues in the store?

14 A Yes. However, that was not the relationship that I had
15 with David LeFrois in the past. Usually, he was the opposite
16 when I would approach him with issues. So I found it strange.

17 Q Isn't it true that in the subsequent listening session
18 that you attended, you were -- you freely vocalized your
19 concerns about the store?

20 A Absolutely.

21 Q So what was objectionable about having a conversation with
22 David LeFrois?

23 A It was that it was with David LeFrois who was my direct,
24 like, supervisor at the time. Like he was my district manager.

25 Q But weren't the individuals who were at those sessions

1 above David LeFrois?

2 A But they were not my direct supervisors. I had never met
3 them before. They were just from, like, corporate, as far as I
4 knew.

5 Q Okay. Isn't it also true that David LeFrois separated
6 from Starbucks shortly after he arrived -- shortly after the
7 union campaign --

8 A Yes.

9 Q -- commenced? And isn't it true that at no point in time
10 did David LeFrois threaten you about your support for the
11 union?

12 A Yes and no. If I could elaborate. During our
13 conversation, there were some statements made that I perceived
14 to be threatening.

15 Q Ms. Rizzo, before you just told me that the conversation,
16 I think you testified lasted a very short period of time --

17 A Yes.

18 Q -- and that he asked you about issues in the store?

19 A Yes.

20 Q Now your testimony is that there was additional
21 conversations about --

22 A My --

23 Q -- something else that made you feel threatened?

24 A I did not -- I was not responsive to him in my responses.
25 But I felt threatened by him trying to solicit from me

1 information about what was going wrong in my store.

2 Q So just so we're clear, the issue -- the concern you had
3 and how you felt threatened was that he was asking you about
4 issues that were in your store?

5 A Yes. To me it felt like the only reason he was asking was
6 because of A, the union drive, and B, so that he could solicit
7 those grievances and fix them.

8 Q But so he never actually said anything to you that was
9 threatening?

10 A I guess to me it was threatening. I don't know if you
11 would perceive it as threatening. But I in that moment while I
12 was having that conversation, I felt intimidated and
13 threatened.

14 Q Because he was asking you about issues in the store?

15 A Correct.

16 Q Okay. You said that you attended four meeting subsequent
17 to the union organizing campaign was launched?

18 A Correct.

19 Q And is your testimony that you had recorded the first
20 meeting?

21 A Yes.

22 Q Why did you record the first meeting?

23 A I wanted to have a recording for myself to fall back on.

24 Q Did you prepare in advance of that meeting?

25 A No. Not in any real way besides going.

1 Q We -- we heard you ask numerous questions during the
2 listening session on September 3rd, correct?

3 A Yeah.

4 Q Did you prepare -- prepare in advance those questions that
5 you raised during that listening session?

6 MR. HAYES: Objection.

7 A No.

8 MR. HAYES: Objection. Relevance.

9 JUDGE ROSAS: I'm not sure what preparations? Get -- get
10 dressed?

11 MR. BALSAM: I asked her if she -- she -- we heard
12 recordings of this witness asking a series of questions during
13 the listening session. My question was whether or not if the
14 questions were pre-prepared in advance of that listening
15 session.

16 JUDGE ROSAS: Oh, if the questions were pre-prepared.
17 Okay.

18 MR. HAYES: Same objection.

19 JUDGE ROSAS: And relevance as to questions were pre-
20 prepared, why does that matter?

21 MR. BALSAM: If she -- she was intentionally asking those
22 questions. If she had done research in advance of that
23 listening session to ask those specific questions.

24 MS. PENDER STANLEY: I'm going to join the objection based
25 on relevance.

1 MR. BALSAM: It goes to whether she was an agent of the
2 union at the time that she was asking those questions.

3 MR. HAYES: Your Honor, that's not relevant.

4 JUDGE ROSAS: Okay. And then where does that go
5 potentially? Do you want the witness to step out or --

6 MR. BALSAM: Yeah. That's fine.

7 JUDGE ROSAS: Could you just go over there --

8 THE WITNESS: Okay.

9 JUDGE ROSAS: -- for a minute?

10 MS. PENDER STANLEY: Just watch your step. Be careful.
11 There's the cord.

12 THE WITNESS: Oh, yes. I see. Thank you.

13 MS. PENDER STANLEY: Just go into the hallway.

14 THE WITNESS: Okay.

15 MS. PENDER STANLEY: We'll grab you when we're ready.

16 MR. BALSAM: Your Honor, if the Union is putting these
17 individuals in these meetings and preparing them in advance for
18 the meetings to go in there, to ask specific questions to setup
19 Starbucks' corporate representatives for these unfair labor
20 practice charges, I think that is entirely relevant to this
21 case.

22 MR. HAYES: Your Honor, there's no foundation to support
23 that whatsoever. It's pure speculation. Still not relevant to
24 this witness' testimony on direct.

25 MR. BALSAM: This witness testified that she's a member of

1 the organizing committee, that she's a part of the bargaining.
2 I think that --

3 MS. PENDER STANLEY: She did not testify --

4 MR. BALSAM: -- is entirely relevant.

5 MS. PENDER STANLEY: -- to anything about bargaining.

6 JUDGE ROSAS: I mean, is there any -- is there any
7 question that she's both an employee of Starbucks, as well as
8 the union apparent? And you can use as many adjectives as you
9 want in characterization of agent, supporter. But you know, as
10 far as being an agent under the Act, I mean, agency has a legal
11 impact on determining whether a section under the Act has been
12 violated or not. Then, agent -- agency is a principle of the
13 law. And you all as lawyers -- well, you may or may not have
14 taken agency in law school and know what that's all about. I
15 won't lecture you now. But as far as some subsequent event or
16 transaction that might relate to whatever this witness said or
17 did and whether it would extend to the Union, in this case,
18 what you're saying is that -- that there would be a defense to
19 a violation under the Act because a representative of the
20 Respondent was setup or cajoled or deceived?

21 MR. BALSAM: In -- in part, Your Honor. I -- I think that
22 the testimony that we've heard thus far might suggest that.
23 But we're entitled to explore our defenses here during this
24 case. And again, based on the testimony that we've heard
25 today, I think the line of questioning is entirely appropriate

1 and relevant.

2 JUDGE ROSAS: Counsel, all I'm hearing is the potential --
3 and the worst-case scenario as -- as I'm hearing it described
4 by you, aggressive Section 7 activity.

5 MR. BALSAM: I -- I think it's more than that, Your Honor.
6 And I think that we've seen that already.

7 JUDGE ROSAS: I'm going to sustain the objection.

8 MS. PENDER STANLEY: I'm going to grab the witness.

9 JUDGE ROSAS: And again, before you ask the next question,
10 let me -- just to kind of put a complete spin to this,
11 Respondent is entitled to probe all the facts and circumstances
12 surrounding all the encounters in order to help establish a
13 record that gives you as much information about what happened,
14 whether it was coercive from an objective standpoint, okay? So
15 I'm not --

16 MR. BALSAM: And again, that's -- that's --

17 JUDGE ROSAS: -- cutting you off. But I'm just telling
18 you that that particular line is irrelevant.

19 MR. BALSAM: Okay. I'm just going to note my objection
20 for the record.

21 Q BY MR. BALSAM: Ms. Rizzo, you said that you had -- you
22 believed that the meetings -- the four meetings you attended
23 were mandatory; is that correct?

24 A Yes.

25 Q Were you ever given a piece of paper or a document that

1 actually said that the meetings were in fact mandatory?

2 A I did at one point receive a piece of paper for one of the
3 meetings. I don't remember exactly what it said on the piece
4 of paper.

5 Q So --

6 A I do know that my paper schedule that I received had the
7 meeting on there -- the scheduled meeting. And when
8 something's on your schedule, you're expected to attend.

9 Q Right. So my question was did you ever receive a piece of
10 paper that said the meeting was in fact mandatory?

11 A I guess technically not. I did receive a piece of paper
12 with my schedule for that week.

13 Q There's no pending question. You answered my question.

14 A Okay. Sorry. I wasn't sure exactly --

15 Q That's fine.

16 A -- what you were asking.

17 Q You testified also that you were very vocal about the
18 Union and that you wore a pin, correct?

19 A Yes. I did.

20 Q And you were never disciplined for being vocal about the
21 Union, correct?

22 A Not directly.

23 Q You were never -- you were never disciplined for being
24 vocal about the Union, correct?

25 MS. PENDER STANLEY: Asked and answered.

- 1 A I was verbally --
- 2 JUDGE ROSAS: I'll allow it.
- 3 A -- disciplined.
- 4 Q BY MR. BALSAM: How were you verbally disciplined?
- 5 A Yes. I had Ashley that -- as I described earlier, as I
- 6 testified, she had pulled me aside from conversations I had
- 7 about the union with customers and said it was inappropriate,
- 8 as well as Joanna. So I consider that, like, verbal
- 9 discipline.
- 10 Q Right. But when you had -- you were pulled away from your
- 11 conversation with another partner, Ashley didn't know what you
- 12 were discussing, correct?
- 13 A She knew.
- 14 Q How would she know what you were discussing?
- 15 A When she responded to me, she told me that I was pulling
- 16 myself and other partners out of our positions to have those
- 17 conversations about the Union and that that was inappropriate.
- 18 Q She used those words, "about the Union?"
- 19 A Yes.
- 20 Q And you also mentioned the situation where you were told
- 21 not to use an inappropriate word during --
- 22 A Yes.
- 23 Q -- in communications with your colleagues, correct?
- 24 A Yes.
- 25 Q And in fact, that -- that is not a proper workplace

1 behavior, correct?

2 A No. But in my, like, many prior years with the company
3 and, like, to this day, like, in my day-to-day work, we all
4 have potty mouths. We don't swear in front of customers. But
5 we swear to each other in the back room all the time because
6 we're all adults. It's never been an issue previously.

7 Q You -- you mentioned Chris Wright, correct?

8 A Yes.

9 Q He's your manager?

10 A Yeah. He did.

11 Q And isn't it true that Chris Wright was separated from the
12 company shortly after the commencement of the union campaign?

13 A It was unclear to me. I don't feel comfortable saying
14 exactly what happened to him because we were told -- or I was
15 told multiple different things by different people.

16 Q My question was he was separated from the union,
17 correct -- from the company, correct?

18 A I take that to mean that he was fired. And I'm not sure
19 of the exact circumstances.

20 Q Did -- isn't it true that you didn't think Chris was a
21 good manager?

22 A I liked Chris.

23 Q Did Chris abide by the policies and procedures that he was
24 supposed to comply with as a manager at Starbucks?

25 A Usually. There was some, like, small issues I had with

1 Christopher. But I didn't have a personal issue with him as my
2 manager.

3 Q But you testified that Chris was not adhering to policies
4 and procedures that he was required to adhere to, including
5 tardiness, dress code, correct?

6 A That he wasn't abiding by those? You mean himself,
7 personally?

8 Q Correct. You said that you had previously -- you said
9 before the organizing campaign, that he was not complying with
10 policies and procedures related to attendance and other issues,
11 including dress code, correct?

12 A Are you saying that he himself wasn't showing up on time
13 and not in dress code or that --

14 Q No. I'm saying that he wasn't --

15 A -- he was punishing us or not punishing us?

16 Q My question is -- I'm saying that he did not adhere to
17 those policies by virtue of not disciplining individuals who
18 were not in compliance with those policies, correct?

19 A Oh, gotcha. Yeah. I personally didn't have a problem
20 with that. I thought it was -- I personally found our dress
21 code really nitpicky. And his personal opinion was if you look
22 professional, you're good to go. And I was -- I was supportive
23 of that.

24 Q Right. But regardless of your thought about whether or
25 not it was appropriate for him not to comply with the policy,

1 he was not in fact compliant with the policies that were
2 issued, correct?

3 A Not every single one. But no store manager I ever had had
4 has abided by every single Starbucks' policy. They're all
5 human.

6 Q You also testified that you were petrified, or others were
7 petrified --

8 A Yeah.

9 Q -- after the organizing campaign?

10 A Yes.

11 Q Is that correct?

12 A That is correct.

13 Q But isn't it true that the organizing campaign was
14 initiated at the end of August?

15 A Yeah.

16 Q And that your statement about the first meeting that you
17 had which was on September 3rd, that was shortly after the
18 emails from the organizing campaign, correct?

19 A We came out with our campaign on Sunday. That first
20 listening session that I attended was on a Friday.

21 Q Right. So what happened between the announcement of the
22 organizing campaign and the first listening session that made
23 you feel petrified?

24 A I myself and the other partners at my store were terrified
25 that we would get fired any day walking in because we were

1 supportive of the Union.

2 Q Right. Did anyone ever tell you that you would be fired
3 because you were a Union supporter?

4 A Not directly. But I -- I --

5 Q So your --

6 A -- used my logical brain to figure out that -- that the
7 company wasn't super supportive of our efforts. And so of
8 course we were afraid.

9 Q So no, no one ever told you that you were not -- you would
10 be terminated for supporting the Union, correct?

11 A No. And no one from the company at least.

12 Q There's no question pending. Thank you. During your time
13 as a shift supervisor post the organizing campaign's launch, on
14 average, how many people would call out?

15 A You said post the launch?

16 Q Uh-huh.

17 A Are you asking like as of today or, like, in the before
18 time because things are very different now than they were in,
19 like, October, if that makes sense.

20 Q After -- my question was after the announcement of the
21 Union organizing campaign, on average, how many call outs were
22 there?

23 A Maybe like one or two on a given day, depending on the
24 day. Some days there were none. Some days there were three.
25 Some days there was four. It really depends on extenuating

1 circumstances.

2 Q And isn't it true that those call outs adversely affected
3 operations at your location?

4 A In the morning. But our hours were reduced in the
5 afternoon. And the afternoon partners did not call out.

6 Q When you recorded the 9/2 listening session, did you ask
7 for the consent of others in the -- in the meeting?

8 A No.

9 MR. BALSAM: I have nothing further for the witness.

10 JUDGE ROSAS: Redirect?

11 MS. PENDER STANLEY: I have nothing, Your Honor.

12 MR. HAYES: No questions.

13 JUDGE ROSAS: You're excused. Please do not discuss your
14 testimony with anyone unless you're advised by the lawyers.

15 THE WITNESS: Thank you.

16 JUDGE ROSAS: Have a good day.

17 Off the record.

18 (Off the record at 2:51 p.m.)

19 MS. CACACCIO: So Your Honor, this morning you asked that
20 I look through the document production that we received so that
21 we could address continuing subpoena issues. As you know, I
22 left in this proceeding and -- and I did just that. I would
23 like a slight extension of time. I would like to put our
24 formal request in writing. And I think we should be able to do
25 that by tomorrow, probably tomorrow night.

1 But in the meantime, I'd like to tell you a little bit
2 about what I found. There are a few issues here. Some issues
3 I'm going to address with the witness that just testified that
4 was talked about invitations to meetings that she received, the
5 schedule of it being her -- these meetings being put on her
6 schedule.

7 Respondent during their cross examination discussed a call
8 out letter or apology that was posted in her store. That was
9 evidence that Respondent just mentioned that I didn't even know
10 could have existed. That has not been produced. They talked
11 about Chris Wright's separation from the company. In our first
12 subpoena, number 89, we requested his personnel file. It has
13 not been turned over. With respect to what has been turned
14 over, with respect to Lexi Rizzo specifically, our request,
15 117, talks about documents pertaining to her. Anything they
16 knew about her union support from 2021 to present. I mean, it
17 goes A through G. I could read it to you, but I know you
18 already have it.

19 What they've produced thus far for her in particular is
20 Bates 374 to 392. The only reason I was able to know that was
21 because they did produce to me a list for this production of
22 what documents it was responsive to. Had they not done that, I
23 would never have known what these documents were for.

24 Now moving forward they're trying to -- to say that they
25 don't have to do that, that it's not required of them. And I'm

1 going to be asking you in writing to order them to do that
2 because if they didn't do that, it wouldn't be possible for me
3 to know what these documents are responsive to.

4 Moreover, in that motion you're going to see that we're
5 requesting that Respondent's certify when it's done producing
6 documents to certain requests. The reason for that is let's go
7 back to Lexi. They produced 374 to 392 of her personnel file.
8 So theoretically, supposedly, based on my interpretation of
9 what that is.

10 All that was produced to us at this time is things she
11 signed in the partner guide and one one-page writing that she
12 had from 2018. You just heard this witness testify that she
13 had a written discipline. We don't have it still to this day.
14 They've produced documents for this witness and that hasn't
15 been produced.

16 There have been -- there are other personnel files. I
17 mean, those should be easy productions and we don't have them.
18 It's been seven weeks, going on eight. We are -- at this
19 point, based on the speed at which we're going, by the end of
20 next week, we will be 25 witnesses deep in this case, Judge.
21 And we don't have our documents. And you've asked them to
22 produce them. You've ruled on the petitions to revoke.
23 They're still not being produced. And you're going to get all
24 this in writing from us. But you asked me to give you a
25 summary of what I found. And those -- those -- that's what I'm

1 doing.

2 JUDGE ROSAS: Do you want to respond to that at this time?

3 MR. BALSAM: I mean, Your Honor, I think there -- well,
4 there's two issues here. The first issue is that we are
5 working diligently to produce documents. A lot of what counsel
6 for the General Counsel has said that we have not produced,
7 honestly, I'm not sure how it's relevant at all to these
8 proceedings. That's one.

9 Second -- second of all, with respect to the questions
10 that I asked this witness, a lot of the questions that I asked
11 this witness was based on her own testimony. There was a
12 question about Chris Wright's separation from the company. She
13 herself testified that he separated from the company. That's
14 in her direct examination response. So I'm not sure -- despite
15 the pleading from counsel for the General Counsel about how
16 they are seemingly being prejudiced by this, it's unclear to me
17 how that is in fact happening.

18 Beyond that, this issue about how they are requesting an
19 order from you to direct us how to produce our documents would
20 be inconsistent with the rules at issue here. I recognize that
21 it would be easier for them if we identified by category the
22 documents we're producing. But again, there is no obligation
23 for us to do that. This is their case. If they were asking
24 for a -- a normal scope of documents, then maybe that would be
25 a little bit easier to do and more manageable. But we're not

1 obligated to do it.

2 And so to the extent that they're giving a formal motion,
3 we will obviously oppose that. And there is no basis for the
4 motion.

5 JUDGE ROSAS: All right. And --

6 MS. CACACCIO: Your Honor --

7 JUDGE ROSAS: -- when you -- when you oppose that motion,
8 you're going to explain what you mean by complying with the
9 subpoena based on production of documents in the usual course
10 of business, quote unquote. I figure you're going to give me
11 an explanation as to that because that's obviously a very
12 general term.

13 General Counsel?

14 MS. CACACCIO: Your Honor, what I believe Respondent's
15 counsel is referring to is the Federal Rules of Civil Procedure
16 Rule 34, which in the beginning of it states either by
17 stipulation of the parties or by court order. And I'm asking
18 this Court to make that order because without it, obviously,
19 what Respondent's asking is impossible.

20 Moreover, Respondent's counsel just indicated that those
21 were based on -- that his questioning was based on testimony of
22 the witness. That witness never discussed a call out letter of
23 apology that was posted in the back of her store. It didn't
24 happen. And I know that because we didn't know that happened
25 until Respondent's counsel brought it up on questioning. And

1 that's not a document we have.

2 Obviously, the discipline of this witness is clearly
3 relevant. The witness testified she had a written discipline
4 issued to her. We don't have it. It's part of the complaint.
5 For Respondent to say that it's not relevant and that we don't
6 need it -- it's part of the complaint, Judge. So you know, the
7 discipline of this witness.

8 So I -- obviously, I've -- I said my peace. And I believe
9 Union counsel has something to add, as well.

10 MR. HAYES: Yes, Your Honor.

11 MR. BALSAM: Your Honor -- sorry.

12 MR. HAYES: If I may be briefly heard, Your Honor. The --
13 the Charging Party's going to join in the General Counsel's
14 motion or position on that.

15 I also wanted to note one other issue that -- you know,
16 obviously, there's overlap between requests the Union made, and
17 the General Counsel made. And the -- the company has been
18 producing documents to both of us in the same way. The format
19 in which the documents were produced, I just learned that
20 this -- this afternoon, is in a format using software that I
21 guess the Department of Justice uses. It's not software that,
22 you know, a private law firm has access to. So the documents
23 that we're getting, for example, are -- are viewable on the
24 General Counsel's computer, you know, when they received them
25 but not the Union. It's -- they're not accessible to the

1 Union.

2 So I think I'm going to make -- I just learned this. I'm
3 going to make a separate request or -- or motion that the
4 document -- documents be produced in some file format that's
5 readable by software not used by the DOJ. And I won't waste
6 your time by restating it. But I want to state the Union
7 support for the general production problems that the GC just
8 outlined beyond that.

9 JUDGE ROSAS: You wanted to add something else?

10 MR. BALSAM: No. Again, I -- I don't mean to belabor this
11 point. But once again, there's no obligation for us to produce
12 documents in the manner in which the counsel for the General
13 Counsel wants us to do so. They have served us -- and as we
14 have indicated numerous times -- with extremely onerous
15 requests for information by virtue of these ridiculous
16 subpoenas.

17 We are doing our best to comply with the subpoena. And
18 the fact that now they're claiming it's a burden for them to
19 review the documents as we produce it unless we comply with
20 what they're asking us to do in terms of our production is --
21 is not fair. And it shows that there's this unequal situation
22 here between both sides. They're -- they're -- they're arguing
23 about undue burden on their side. But yet when we argue about
24 undue burden, it falls on deaf hears.

25 MS. CACACCIO: Might I be heard briefly?



1 JUDGE ROSAS: Last -- last comment.

2 MS. CACACCIO: Respondent in their initial production to
3 us did exactly what I'd asked, and they did even a little bit
4 more. In their second production to us, what I asked, they
5 were able to do it in relatively short time. The subpoenas
6 which you've already upheld three times now, specifically
7 request this in the subpoena.

8 What -- while Respondent did general objections to the
9 definitions, they didn't do any specific objections to this
10 issue, which I believe -- forgive me, I think it was definition
11 24 where we specifically requested that these documents be
12 produced responsive to the subpoena request. And they've done
13 so. And they had no problem doing so in the first production
14 even though I didn't ask for it in the first production because
15 it was a part of the subpoena. And now suddenly it's a
16 problem, seven, eight weeks in.

17 And -- and I understand that Respondent is continuing to
18 say that this is a burden. I understand that there is a lot of
19 documents. We've already been over this, so I'll only touch on
20 it briefly. But this is a big case. There's going to be a lot
21 of documents. We understand that. And that doesn't mean that
22 they don't have to organize them in some way, and they can just
23 dump, as they stated earlier, 20 million documents on me
24 without telling me anything about where they came from, who the
25 custodian is, what the source of the document is, or -- or what

1 they're responsive to. So I -- I hear what Respondent is
2 saying and I simply can't agree.

3 JUDGE ROSAS: Okay. All right. I'll hear from the
4 parties in writing. And I'll decide what if anything to do at
5 that point.

6 MS. CACACCIO: Can we have until tomorrow night, Judge?

7 JUDGE ROSAS: Uh-huh.

8 MS. CACACCIO: Thank you.

9 JUDGE ROSAS: Okay.

10 MR. BALSAM: Your Honor -- Your Honor, could you set a
11 briefing schedule, please, for this?

12 JUDGE ROSAS: Well, General Counsel's going to have a
13 written motion --

14 MS. CACACCIO: Yes, Your Honor.

15 JUDGE ROSAS: -- by tomorrow night. So I'll get the
16 Respondent's response by Friday.

17 MR. BALSAM: Thank you, Your Honor.

18 MS. CACACCIO: Can I just have a few minutes before we
19 call our witness.

20 JUDGE ROSAS: Okay. Off the record.

21 (Off the record at 3:05 p.m.)

22 MS. CACACCIO: Yes, Your Honor. The next witness is
23 Caroline Larczak.

24 JUDGE ROSAS: Raise your right hand.

25 Whereupon,

1 CAROLINE LARCZAK

2 having been duly sworn, was called as a witness herein and was
3 examined and testified as follows:

4 JUDGE ROSAS: State and spell your name and provide us
5 with an address.

6 THE WITNESS: Yeah. It's Caroline Larczak,
7 C-A-R-O-L-I-N-E L-A-R-C-Z-A-K. An address is (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) .

9 DIRECT EXAMINATION

10 Q BY MS. CACACCIO: Good afternoon, Caroline. Could you
11 tell the Court what your pronouns are?

12 A She/her.

13 Q Did you ever work for Starbucks?

14 A Yes.

15 Q When did you work for Starbucks?

16 A I started in I think April of 2018. I quit in August of
17 2019. I came back in September of 2019. And then I left the
18 final time in March of 2022.

19 Q And I should have maybe led with this, can you move that
20 mic closer to you?

21 A Yeah. I can move up, as well. Is that better?

22 Q Can you just push the whole thing towards you? Like the
23 actual base of it.

24 A Oh, okay.

25 Q Try now.



1 A All right. Is that good?

2 Q Yes. When you just told me when you worked for Starbucks,
3 there was about -- there was some time gap in there. Why were
4 you gone?

5 A I graduated from my undergraduate degree, and I got a job
6 that I thought I would try out. I didn't like it.

7 Q Why did you leave the company in March of 2022?

8 A I was offered a position full-time in the human services
9 field, which is my field now. So I left for that.

10 Q And when you worked for Starbucks, what was your home
11 store?

12 A The Cheektowaga location on Genesee Street.

13 Q Was that the --

14 JUDGE ROSAS: Was that called the Genesee store?

15 Q BY MS. CACACCIO: Is that called the Genesee Street store?

16 A Yeah. Genesee Street. Sometimes we would call it
17 Cheektowaga. Sometimes we'd call it the airport store. There
18 was a lot of names for it.

19 Q And was that your home store for the duration of your
20 employment with the company?

21 A Yes.

22 Q What position did you hold?

23 A I was a barista. And then in December of 2019, I
24 transferred into a shift.

25 Q When you say a shift, what does that mean?

- 1 A Shift supervisor. Sorry.
- 2 Q Were you also a barista trainer?
- 3 A Yes.
- 4 Q When were you a barista?
- 5 A From the start time in 2018 up until December of 2019.
- 6 Q And when were you a shift supervisor?
- 7 A After December of 2019.
- 8 Q Until when?
- 9 A The end of my employment in March.
- 10 Q And you testified you were also a barista trainer. When
- 11 was that?
- 12 A It started in 2018. I don't remember exactly what month.
- 13 But I was a barista trainer from let's say maybe the summer of
- 14 2018 throughout the -- all of my employment.
- 15 Q What were your hours when you worked at Starbucks?
- 16 A I was typically an opener. But when my -- when I was in
- 17 school, my hours would kind of change and sometimes I would
- 18 close on weekends.
- 19 Q Now, how many hours a week were you working typically?
- 20 A Typically, if I wasn't in school, I would be shooting for
- 21 30 or upwards of 30. If I was in school, anywhere from 25 to
- 22 30 was typically where I was shooting for.
- 23 Q Are you familiar with the union Workers' United?
- 24 A Yes.
- 25 Q How are you familiar with the union?

1 A I was an organizing member.

2 Q Do you have any position with the union now?

3 A No.

4 Q Did you ever have any position with the union?

5 A I was on the organizing committee. But I think that that
6 was all.

7 Q How long were you on the organizing committee?

8 A From the start of the union. So that would be August of
9 2021, throughout the end of my employment in March.

10 Q When did the union campaign go public?

11 A At the end of August in 2021.

12 Q And what happened at that time?

13 A I'm not sure exactly how it went out. But I know it was
14 posted on social media. There was a letter written to Kevin
15 Johnson stating our intentions to form a union in Buffalo.

16 Q Who is Kevin Johnson?

17 A He was the CEO of Starbucks; I believe was his title.

18 Q Did you put your name to that letter?

19 A I did.

20 Q If I showed you a copy of that letter, could you identify
21 it for us?

22 A Yes.

23 MS. CACACCIO: I'm showing the witness General Counsel's
24 Exhibit 3.

25 A Yup, this is that letter. My name is on the second page.

1 Q Do you recognize the name of any of your colleagues from
2 the Genesee Street store on that letter?

3 A Yes. Lexi Rizzo (phonetic throughout), Danka Dragic, and
4 Jonathan Nieves (phonetic throughout).

5 Q You testified that it went on social media. Do you
6 remember what platform?

7 A I remember seeing it on Twitter.

8 Q Other than this letter --

9 MS. CACACCIO: Strike that.

10 Q BY MS. CACACCIO: How did you show, if at all, your union
11 support at your store?

12 A I wore a Starbucks Workers Union pin on my apron and wore
13 that same pin to the listening sessions that I attended. And I
14 told Rossann, Allyson, and Deanna in one of those listening
15 sessions that I was a contact if people had questions.

16 Q When did you start wearing that pin?

17 A In September of 2021.

18 Q And how long did you wear it?

19 A I wore it every day on my apron throughout the end of my
20 employment in March.

21 Q And other than wearing your pin at work did you do -- did
22 you do any other organizing at work?

23 A Yeah.

24 Q What did you do?

25 A I had a couple of conversations with partners on the

1 floor. Sometimes they would ask me questions about why we were
2 interested in forming a union, and I kind of just went over
3 some of that stuff with them and just anything that I was able
4 to answer about why we're interested.

5 Q Have you ever testified before the NLRB?

6 A Yes.

7 Q When did you do that?

8 A I believe it was in the end of September of 2021. It was
9 about bargaining units.

10 Q Have you talked to the media at all?

11 A Yes.

12 Q In what way?

13 A I did a live interview on Fox News. I spoke to someone at
14 Channel 4, I'm not sure if that was ever published. And then I
15 also spoke with the Canadian Broadcast Channel I believe it is.

16 Q And Channel 4, what is that?

17 A It's just a local news station.

18 Q And what did you say to the news generally?

19 A They typically asked why we were interested in forming a
20 union, what it was like while we were trying to unionize, and,
21 you know, just personal experience of what the whole process
22 was like.

23 Q And what, if anything, did you say in those interviews?

24 A I mentioned that we were interested in forming a union to
25 negotiate better conditions for workers. We were just trying

1 to advance our position and just talked about how it was
2 difficult sometimes during the union campaign to be at work.

3 Q What was the first thing you noticed in your store after
4 the campaign went public in August of 2021?

5 MR. BALSAM: Objection. Leading.

6 MS. CACACCIO: Your Honor, I asked her what she noticed.

7 JUDGE ROSAS: I'll allow it. I'll allow it.

8 Q BY MS. CACACCIO: What did she notice? What did you
9 notice?

10 A The day after the letter went out, our district manager,
11 David LeFrois, was in our store the next day. That was the
12 first thing I noticed.

13 Q How often did he come into your store before that (audio
14 interference)?

15 A I would say maybe three or four times a year.

16 Q And in those three or four times a year that he would
17 visit, what did he do in the store?

18 A His typical business with -- was with our store manager
19 Chris Wright. They would kind of talking about managers and
20 higher level. I was never really included in any of those
21 meetings, so I'm not familiar what the content was, but he was
22 always talking with Chris the store manager.

23 Q And what about after that day you saw him -- the next day
24 when you saw him, what was he doing that day?

25 A He was -- it looked like he was on some video call in the

1 lobby, so he was working from his computer. And then when I
2 was on a break, he came into the back of the house and had a
3 conversation with a shift supervisor.

4 Q And who was that shift supervisor?

5 A Danka Dragic.

6 Q Did you see him again after that?

7 A I don't remember seeing him after that.

8 Q Do you know whether he still works for the company?

9 A I do not believe he does.

10 Q Do you know about what -- when he left?

11 A It must have been early September because MK became our
12 new district manager in September.

13 Q Do you recognize MK in the courtroom?

14 A Yes.

15 Q Can you identify her for us?

16 A She is all the way on the left.

17 MS. CACACCIO: Your Honor, let the record reflect that the
18 witness has identified Respondent's party representative Danka.

19 Q BY MS. CACACCIO: Other than --

20 MR. BALSAM: Your Honor, (audio interference) identify MK
21 by her full name, which (audio interference) done so.

22 JUDGE ROSAS: I would like to know.

23 THE WITNESS: I know her name is like Christina, and then
24 I apologize because I couldn't mention her last name, but I
25 know -- I think it starts with MK and that's why your nickname

1 is MK.

2 JUDGE ROSAS: Do I have it by counsel, she's a
3 representative?

4 MR. BALSAM: I would spell it for the Court if we could
5 get it on the record. It's Christina and the last name is
6 M-K-R-T-U-M-Y-A-N.

7 Q BY MS. CACACCIO: Caroline, how did you refer to --

8 MS. CACACCIO: Can you pronounce that for me?

9 MS. MKRTUMYAN: Mkrtumyan.

10 Q BY MS. CACACCIO: How do you refer to Ms. Mkrtumyan in the
11 store?

12 A We refer to her as MK.

13 Q Other than Ms. Mkrtumyan, were there any other visitors
14 from the company's management to your store?

15 A Yes.

16 Q Who were they?

17 A I met Rossann Williams, Deanna Pusatier, Allyson Peck, and
18 there were other store managers from around the country known
19 as support managers that I got to meet that came in.

20 Q Can you identify them by name, the store managers?

21 A Yes. One of them was Louis Defoe (phonetic throughout).
22 One of them was Leon Mendoza. There was a woman by the name of
23 Ashley, I forget her last name. There was Valerie. There was
24 Avery (phonetic throughout). And there was Burg (phonetic
25 throughout). There might be a couple of others that I'm

1 missing, I just don't remember their names.

2 Q Did you see Ms. Mkrtumyan in the store?

3 A Yes. Sorry. MK as well.

4 Q Let's start with Rossann Williams. Who's that?

5 A She was -- I believe her title was like the North American
6 vice president, I'm not 100 percent sure. But she was a high-
7 ranking Starbucks official.

8 Q And when did she first visit your store?

9 A The first time I remember meeting her was on September
10 10th.

11 Q Had you ever seen her in your store prior to September --

12 A Not --

13 Q -- of 2021?

14 A -- never.

15 Q And after she started coming to your store, how many times
16 did you see Rossann in your store?

17 A I would say at least once a week.

18 Q And how long did those visits last?

19 A They varied. Sometimes they like a quick stop in.
20 Sometimes she would speak with partners. Sometimes there would
21 be other things going on in the lobby. So it depended. I'd
22 say maybe from 30 minutes to an hour, maybe even two hours
23 sometimes depending.

24 Q And what did she do during those visits?

25 A She would speak with partners. They would have meetings,

1 I believe, in the lobby with some of the other corporate
2 officials. Sometimes they just hung out and were checking in
3 with us, and other times they were like organizing the retail
4 shelves, dusting, stuff like that.

5 Q Did Ms. Williams ever speak to you?

6 A Yes.

7 Q And what did you talk about?

8 A We just had casual conversation, small talk, how I was
9 doing, what the day was going like.

10 Q You also mentioned Deanna Pusatier. Who's that?

11 A I can't recall her title, but she worked with Rossann. I
12 believe maybe she was a regional vice president.

13 Q And when did she first visit your store?

14 A The first time I recall meeting her was on September 10th
15 as well.

16 Q Had you ever seen her in your store prior to September
17 2021?

18 A No.

19 Q How many times did you see Deanna in your store?

20 A I would say around at least once a week.

21 Q And how long did her visits last?

22 A They also varied. Sometimes she was there for a quick
23 stop by. Sometimes she was there for longer periods of time.

24 Q And what did she do during her visits?

25 A Very similar to Rossann, but she would help hand out

1 drinks. She would clean up retail, talk with partners, and
2 have meetings and -- and other things in the lobby.

3 Q Did she ever speak to you?

4 A Yes.

5 Q And what did you guys talk about?

6 A We had casual conversation, just checking in, how I was
7 doing, how the store was running.

8 Q You also mentioned Alison Peck. Who is Alison?

9 A I forget her title as well. I apologize. But she was
10 maybe -- I don't know -- I don't want to say regional vice
11 president but --

12 Q Okay.

13 A -- I know that's what I said last time. So I apologize, I
14 don't recall her title.

15 Q And when did she visit your store?

16 A The first time I met her was on September 10th as well.

17 Q Had you ever seen her in your store prior to September of
18 2021?

19 A No.

20 Q And how many times a week -- sorry, how many times did you
21 see Alison in your store?

22 A I would say roughly once a week.

23 Q How long did her visits last?

24 A They varied as well.

25 Q And what did she do during her visits?

1 A Similar things. She would help hand out drinks, clean up
2 the retail shelves. Sometimes they would go and do like milk
3 runs for us when they go to a grocery store and purchase milk,
4 stuff like that.

5 Q Did she ever speak to you?

6 A Yes.

7 Q About what?

8 A We just had casual conversation.

9 Q Prior to the campaign, what was the highest-ranking
10 Starbucks official you'd ever seen in a store?

11 A That would be a district manager.

12 Q And to your knowledge, the people we just discussed, are
13 they higher ranking or lower ranking than a district manager?

14 A All three would be higher ranking than a district manager.

15 Q We've also discussed MK visiting the store. Do you know
16 what her title was or is?

17 A She was our new district manager.

18 Q And when did she first visit the store?

19 A I'm not exactly clear on the date. I believe it must have
20 been sometime in September, if not October of 2021.

21 Q Had you ever seen her in your store prior to this visit?

22 A No.

23 Q How often did she visit when she became the district
24 manager?

25 A I would say probably at least once a week.

1 Q And how long did her visits last?

2 A They also varied.

3 Q What was she doing when she was in your store?

4 A She would help out with scheduling if needed. She would
5 do milk runs as well, stuff like that, helping out with retail,
6 organizing, handing out drinks, talking to partners, just stuff
7 like that.

8 Q Did she ever speak to you?

9 A Yes.

10 Q About what?

11 A We had casual conversation. There were a few times where
12 we had deeper conversations about the work that I do now with
13 the homeless population in Buffalo, and we tried to
14 collaborate.

15 Q Who is your store manager at the time the cafe started?

16 A Chris Wright.

17 Q And other than Chris, did your store have any other
18 managers prior to the campaign?

19 A When I was there previous to Chris Wright, we had a store
20 manager David Almond, but that was it.

21 Q Did you have any managers other than store managers in
22 your store?

23 A No, I never had an assistant manager.

24 Q Did your store have any support managers prior to the
25 campaign?

1 A I had never experienced any support managers prior.

2 Q Does Chris still work at the store?

3 A No.

4 Q When did Chris leave?

5 A In September of 2021.

6 Q Can you make sure you're talking right in to the mic so we
7 can keep your voice up?

8 A Sorry.

9 Q It's okay. After the campaign started you mentioned some
10 support managers. What is a support manager to your knowledge?

11 A It was explained to me that a support manager is someone
12 who would be brought in from a different area in the country to
13 help support key business needs in this area.

14 Q Had you ever heard of support manager prior to the union
15 campaign?

16 A No.

17 Q Do you know what support managers were assigned to your
18 store?

19 A I believe the first round of support managers were
20 assigned in September of 2021.

21 Q And how often were support managers in your store?

22 A There was typically at least one every day.

23 Q Part to the union campaign, how often would you work
24 without a manager in the store?

25 A Possibly two to three days a week. It depended on what

1 our manager's schedule looked like and if there were vacations
2 or other extenuating circumstances.

3 Q And after the union campaign, how often would you work
4 without a manager in the store?

5 A Almost never.

6 Q Who was the first support manager that your store would
7 see?

8 A The first one that I met was Leon Mendoza.

9 Q Where was he from?

10 A I can't recall.

11 Q Do you know whether he used to work in the Genesee Street
12 store?

13 A No, he left when I was still working there.

14 Q When did he leave?

15 A It was either late fall or early winter of 2021.

16 Q And what did he do when he was in the store?

17 A He was essentially one-third of a store manager. So he
18 would do stuff like the --

19 Q Okay.

20 A -- manager would, scheduling, stuff like that.

21 Q Who's the next support manager that your store received?

22 A The next one that I was introduced who Ashley (phonetic
23 throughout). I can't recall her last name.

24 Q And what did Ashley do at your store?

25 A She was also another third of a manager. She would do

1 scheduling and -- and typically stuff of that nature.

2 Q Where did Ashley come from; do you know?

3 A I believe Ashley came from Illinois.

4 Q And what did she do in Illinois?

5 A I believe she was a store manager.

6 Q Does Ashley still work in that store or did she at the
7 time you left?

8 A She was gone before I left.

9 Q And when did she leave?

10 A I'd say winter of 2021.

11 Q Who was the next support manager your store received?

12 A The next one that I got was Louis Defoe.

13 Q Can you spell the last name for us?

14 A I can try from memory. I think it's D-E-F-E-O-E? Or
15 D-E-F-O-E maybe.

16 Q Do you know where he came from?

17 A He came from Florida.

18 Q And what did he do in Florida?

19 A He was a store manager.

20 Q How did you know that?

21 A He told us how he ran his store and how his shift meetings
22 would go in his store.

23 Q And what did Louis do in your store?

24 A He was also another person who was functioning as a
25 manager.

1 Q And at the time you left the company was Louis still
2 there?

3 A Yes.

4 Q Who's the store manager of the Genesee location at the
5 time you left?

6 A Louis was transitioning the store manager position over to
7 the woman named Julie (phonetic throughout). I believe her
8 last name is Robel (phonetic throughout).

9 Q You also mentioned someone named Valerie (phonetic
10 throughout), who's that?

11 A She was another support manager.

12 Q When did she join the store?

13 A I remember her there in the winter of 2021. I don't know
14 when she arrived, it could have been sooner.

15 Q Do you remember where she came from?

16 A I don't.

17 Q How often was she in the store?

18 A I'd say at least two or three times a week.

19 Q And what did she do in the store?

20 A She worked essentially as a barista. She was typically
21 working on the floor with us. In the chance that a shift
22 supervisor was not there, she would kind of take over and be
23 the key holder and the shift supervisor.

24 Q Did she still work at your store when you left?

25 A No.

- 1 Q When did she leave?
- 2 A I believe it was the winter, maybe December or January.
- 3 Q You also mentioned someone named Avery, who was that?
- 4 A Avery was another support manager.
- 5 Q When did he join your store?
- 6 A Around the same time, I believe late fall.
- 7 Q Around the same time as you?
- 8 A What is her name? Oh, my goodness. Valerie. Sorry.
- 9 Q Do you know where Avery came from?
- 10 A Avery came from New York City.
- 11 Q And what did he do in New York City?
- 12 A I believe he ran a store, but I'm not sure.
- 13 Q How often was he in your store?
- 14 A I'd say at least two or three times a week.
- 15 Q And what did he do when he was there?
- 16 A He also worked on the floor typically. So he was either
- 17 doing barista work or functioning as a shift supervisor if
- 18 there wasn't one scheduled.
- 19 Q Did he still work in your store at the time that you left?
- 20 A No.
- 21 Q When did he leave?
- 22 A In the winter.
- 23 Q Were there any other visitors that I missed? Or managers?
- 24 A There was a store manager named Burg.
- 25 Q And who's that?

- 1 A Another support manager.
- 2 Q Where did he come from?
- 3 A I'm not sure.
- 4 Q Do you know his full name?
- 5 A No, I can't remember it.
- 6 Q How often was Burg in the store?
- 7 A I'd say like two times a week probably.
- 8 A And what did he do when he was in your store?
- 9 A He functioned more like a manager, but I don't know if he
- 10 was ever making schedules or stuff like that. He -- he wasn't
- 11 always on the floor. Sometimes he would walk on the floor when
- 12 it called for it.
- 13 Q Did Burg still work in your store at the time that you
- 14 left?
- 15 A No.
- 16 Q When did Burg leave?
- 17 A I believe he left maybe in January or --
- 18 Q Were there any other visitors or managers that I missed?
- 19 A That's all I can recall.
- 20 Q Are headsets worn at work when worked at Starbucks?
- 21 A Yes.
- 22 Q For what purpose?
- 23 A To hear the drive-thru orders, to be able to take them, to
- 24 communicate with other workers on the floor.
- 25 Q And who wore them?

1 A Typically anyone who was working on the floor. There
2 wasn't like a you have to wear it if you're in this position.
3 We didn't really follow any sort of guidance with that. So as
4 long as you were working on the floor.

5 Q Prior to the campaign did your manager ever wear a
6 headset?

7 A When he was working on the floor, yeah.

8 Q And after the campaign started did your managers ever wear
9 a headset?

10 A Yes.

11 Q When?

12 A When they were working on the floor. Sometimes if they
13 were in the lobby, they would have one on. Sometimes if they
14 were working in the back of house, they would have a headset
15 on. It just kind of varied.

16 Q Was that typical from -- prior to the campaign?

17 A Not so much for being out in the lobby or working in the
18 back when you're doing other stuff. The only time I would ever
19 keep my headset on when I was not working on the floor is if I
20 was the only shift supervisor so I would be the only one with
21 keys to access the safe or registers.

22 Q You mentioned earlier that you attended some listening
23 sessions. What listening sessions did you attend?

24 A September 10th and September 16th.

25 Q How did you learn about the September 10th meeting?

1 A The first meeting was presented to me by my store manager,
2 Chris, and he told us to pick, I believe, one of the dates --
3 or the times out of a couple and choose whichever one worked
4 best for us.

5 Q Did you discuss whether you had to attend the meeting?

6 A No.

7 Q What, if anything, were you told what this listening
8 session was going to be about?

9 A I initially was under the impression that it was going to
10 be a store meeting, so that would have included Chris and the
11 other members of our store kind of talking about store-specific
12 functioning.

13 Q Is that what happened?

14 A No.

15 Q What time was the listening session you attended?

16 A It was in the evening.

17 Q And where was this meeting held?

18 A It was held in one of the hotels behind my store.

19 Q Had you ever attended a Starbucks meeting offsite prior to
20 this meeting?

21 A No.

22 Q Who ran this meeting?

23 A Rossann Williams, Deanna Pusatier, and Allyson Peck.

24 Q And about how many employees attended the meeting?

25 A I believe in the first instance there may have been around

1 six employees.

2 Q And about how long did the meeting last?

3 A The first meeting was about an hour long.

4 Q Were you compensated for attending the meeting?

5 A Yes.

6 Q How did that work?

7 A I believe our manager went in and edited our punches to
8 add an hour onto our time we worked that day.

9 Q Did you record this meeting?

10 A Yes.

11 Q How did you record it?

12 A With my cell phone.

13 Q What kind of phone do you have?

14 A I have an iPhone.

15 Q And where was your phone?

16 A It was on my lap.

17 Q What did you do with the recording after you made it?

18 A I sent it to Tom Miller, who is a board agent. And I
19 talked about it with my roommate because she also went to the
20 listening session.

21 Q And did you alter the recording at all?

22 A No.

23 Q Have you listened to the recording?

24 A Yes.

25 Q Have you seen a transcript of this recording?



1 A Yes.

2 Q What did you do with that transcript?

3 A I marked it up and edited who the speaker was -- or
4 identified people that were speaking.

5 Q And to the best of your knowledge, did you -- how -- how
6 did you do that? How did you -- how did you markup who the
7 speakers were?

8 A I listened to the recording, as I followed along with the
9 transcript, and I tried to match up who I remember was
10 speaking.

11 MS. CACACCIO: Your Honor --

12 Q BY MS. CACACCIO: If I played you a copy of this
13 recording, would you be able to identify it for us?

14 A Yes.

15 MS. CACACCIO: Your Honor, I'm going to play now General
16 Counsel Exhibit 51(a) with 51(b) being the transcript. I do
17 have copies of that.

18 JUDGE ROSAS: When you do play it, (audio interference)
19 pointed out the last time it was played by Ms. Stanley the
20 monitor didn't always show the time.

21 And just assure that you have that function working so
22 everybody could see the time if they need to make notations,
23 okay?

24 MS. STANLEY: Yes, Judge. That was just an issue with my
25 own computer. It was --

1 MS. CACACCIO: My computer works great. My computer is
2 the -- if I could just have one second because my whole screen
3 shows, so I have to close some -- some items here. If you want
4 to go off the record, it may take me a second to set this up.
5 (Off the record at 3:42 p.m.)

6 MS. CACACCIO: If I'm wrong, please correct me as we go
7 along, but it starts at the beginning. The transcript does
8 start from the beginning of the recording. The transcript ends
9 at 51:49. And the recording ends at 51:55. So it's about six
10 seconds (sic). I have not tested this yet, so let me play it.

11 JUDGE ROSAS: What -- is this Exhibit? It was 51(b)?

12 MS. CACACCIO: The transcript was 51(b). And the
13 recording is marked 51(a). This was the transcript and
14 recording were sent over to Respondent on the 22nd, which was
15 Friday.

16 And if someone could remind me before we go today, I'd
17 like to see clarification on the five-day rule, just so I know
18 how we're counting it so I can make sure we don't have to keep
19 doing this.

20 JUDGE ROSAS: Friday and Saturday is one?

21 MS. CACACCIO: So if we gave a Friday, Saturday would be
22 one? Okay. I'm going to be playing General Counsel Exhibit
23 51(a). Or not. Hang on one second, Judge. Judge, I may need
24 a minute. I can't make it play. Playing General Counsel's
25 51(a).

1 (Audio played at 3:52 p.m., ending at 4:22 p.m.)

2 MS. CACACCIO: That's 51:49 on the recording. There's six
3 seconds left that are not transcribed. And I'm going to play
4 them now for them to be transcribed.

5 Lee, do you need me to do anything else? I'm going to hit
6 play.

7 (Audio played at 4:42 p.m., ending at 4:43 p.m.)

8 MS. CACACCIO: That's the end of the recording.

9 Q BY MS. CACACCIO: Caroline, is that the complete recording
10 that you made at that meeting?

11 A Yes.

12 Q Is it altered in any way?

13 A No.

14 JUDGE ROSAS: Your Honor, I now offer General Counsel
15 Exhibit 51(a), which is the recording, and 51(b), which is the
16 annotated transcript.

17 JUDGE ROSAS: General Counsel's 51(a) and 51(b) is
18 received over an objection.

19 **(General Counsel Exhibit Number 51(a) and 51(b) Received into**
20 **Evidence)**

21 MS. CACACCIO: And I don't know if this is appropriate to
22 do now, but do we need to have the Court reporter transcribe
23 those last six seconds? Did you hear anything on there that
24 you wanted transcribed? Of course, General Counsel's positions
25 is it's not necessary, but I know we've had a lot of

1 discussions about that. So --

2 MS. POLITO: I'm not sure what they ask us, Judge. It
3 wasn't anything on the recording, I don't believe. Did you
4 hear anything?

5 MR. BALSAM: No.

6 JUDGE ROSAS: Somebody could record that?

7 MS. CACACCIO: I don't know if they can. I mean, that's
8 sort of been our argument all along for a lot of it. So -- but
9 if that's -- if you'd like them to try, and I don't know if you
10 want to go off the record for this. But --

11 JUDGE ROSAS: Go of the rec -- is that transcribable?

12 MS. CACACCIO: Okay.

13 JUDGE ROSAS: Expert opinion says nah.

14 MS. CACACCIO: Okay. So there will not be a subsequent
15 transcription for --

16 JUDGE ROSAS: Is that all right, Respondent?

17 MS. POLITO: That is all right, Your Honor. For this
18 particular one. Thank you.

19 JUDGE ROSAS: Okay. We -- are we on the record for that?
20 All right. So there will not be a subsequent transcription
21 for 51(a), which was the recording.

22 Q BY MS. CACACCIO: Caroline, you testified earlier that you
23 attended another listening session. What date was that?

24 A That was September 16th.

25 Q How did you learn about the listening session?



1 A It was presented by our manager that there was another
2 session that we should go to.

3 Q Who was the manager?

4 A It was Chris Wright (phonetic throughout).

5 Q And what were you told about that meeting?

6 A I don't recall what we were told about it.

7 Q What time was the meeting you attended?

8 A It was in the evening as well.

9 Q Where was the meeting held?

10 A At a different hotel behind our store.

11 Q Who ran this meeting?

12 A The same three people. Rossann Williams, Deanna Pusatier,
13 and Allyson Peck.

14 Q And how many employees attended this meeting?

15 A I think the second one had a higher turnout. I think it
16 might have been around eight partners.

17 Q And about how long did that meeting last?

18 A The actual meeting lasted for an hour, and I stayed after
19 to speak privately with -- with Rossann and Allyson.

20 Q Were you compensated for attending this meeting on
21 September 16th?

22 A I believe so.

23 Q Did you record this meeting?

24 A I did.

25 Q How did you record it?

1 A With my phone.

2 Q Where was your phone?

3 A On my lap.

4 Q What did you do with the recording?

5 A I sent it to the previous board agent, Tom Miller, when I
6 was doing my affidavit before. But other than that, it's just
7 been on my phone.

8 Q Did you alter the recording in any way?

9 A I did not.

10 Q And does your recording capture the complete meeting?

11 A Yes.

12 MS. CACACCIO: Your Honor, the next exhibit is General
13 Counsel Exhibit 52(a), which is the recording. And 52(b),
14 which is the transcript. The transcript begins at marker 9
15 minute and 37 seconds. The transcript ends at 1:35:30,
16 whereas, the recording ends at one 1:35:41. I know that it's
17 quarter to five now.

18 JUDGE ROSAS: Keep going.

19 MS. CACACCIO: Okay. This recording, like the other, was
20 transmitted to Respondent on Friday, along with the transcript.
21 Annotated by the witness.

22 Q BY MS. CACACCIO: Oh. Did you receive a copy of
23 transcript for this?

24 A Yes.

25 Q And what did you do with it?



1 A I added names.

2 MS. CACACCIO: So like we just discussed, the transcript
3 begins at 9 minutes and 37 seconds. So the first 9 minutes and
4 37 seconds for our previous discussion should be transcribed.

5 (Audio played at 4:48 p.m., ending at 4:48 p.m.)

6 JUDGE ROSAS: Can we pause it on the first page of the
7 transcript there are names with initials. It is almost
8 impossible to read all the names.

9 MS. CACACCIO: You should be able to see them in your
10 electronic copy. I do have the original if you want to look at
11 them and write them down.

12 JUDGE ROSAS: All right. That's fine. I got it. Thank
13 you.

14 MS. CACACCIO: Yep. It's a copier problem. Sorry. We're
15 at 25 seconds. Do you want to hit play?

16 (Audio played at 4:49 p.m., ending at 4:56 p.m.)

17 Q BY MS. CACACCIO: Has anybody ever heard of that before?

18 MS. POLITO: Can you just pause it?

19 MS. CACACCIO: Yes. Okay.

20 MS. POLITO: Yep. Where is this in relation to the
21 transcript?

22 MS. CACACCIO: So if you look at the time on the computer,
23 you're going to see that we're only at 8:04, and like I said,
24 the transcript starts at 9:37.

25 MS. POLITO: So it's -- so --

1 MR. BALSAM: To me -- to me it started, so.

2 MS. CACACCIO: Well, and that's why we're transcribing the
3 parts that are transcribable prior to the transcribed.
4 That's -- that was the whole point of what we talked about
5 earlier.

6 MR. BALSAM: Your -- Your Honor, my -- my understanding
7 from our agreement was that the meetings themselves would have
8 been transcribed. I understand the Counsel for the General
9 Counsel's position that it was not a need to transcribe the
10 pre- and post-meeting, but this is clearly the beginning of the
11 meeting, and it's not transcribed.

12 MS. CACACCIO: Your Honor, I don't know if I'm confused,
13 but I thought that's exactly what we're doing right now.

14 MS. POLITO: No, there is no confusion, Judge. The audio
15 recordings are not complete. They've never been complete. And
16 we specifically asked, and -- and we've tried to reach
17 agreement that the pre and the post portions that were not
18 transcribed, we tried to reach this agreement to make it easier
19 on all of us that the court reporter, to the extent that they
20 could, would transcribe the pre- and post-meetings. That's
21 been the agreement.

22 What's reflected now is that this entire meeting has not
23 been transcribed. So we've been consistent throughout, we --
24 we've been trying to helpful to the Court and to counsel. It's
25 not our fault that the transcriptions were not complete, to

1 begin with. So --

2 JUDGE ROSAS: I seem to recall that the General Counsel
3 represented that except for pre and post, that the General
4 Counsel interpreted those meetings, they were otherwise
5 transcribed.

6 MS. CACACCIO: That's what we believed, Judge. I mean, we
7 have 50 of these. I mean, I -- I don't -- I don't -- I don't
8 know what to tell you. We're transcribing them now. The
9 witness identified herself. It's one minute and 37 seconds. I
10 mean, I -- I hear you. We're having them transcribed right
11 now. We didn't -- and -- and Respondent's representation that
12 the recordings are not complete is completely incorrect. The
13 recording is complete. The transcription, as we've continually
14 argued, is just an aid; it's not the evidence. The evidence is
15 the recording is complete. There will be a transcription of
16 whatever Respondent would like there to be of prior to the
17 start of this transcript, which is exactly what we discussed.

18 In fact, in your ruling, you had said that there was
19 dispute as to when the meeting started or ended, and that's why
20 we were doing this. So obviously, we're in that position now,
21 Judge, and that's exactly what we're doing here. We're looking
22 at a -- less than two minutes that isn't on this paper, which
23 isn't evidence; it's just an aid.

24 JUDGE ROSAS: Less than two minutes that's not --

25 MS. CACACCIO: Not transcribed.

1 JUDGE ROSAS: Okay.

2 MR. BALSAM: Your Honor, if I may. We -- we had an
3 agreement. I mean, Counsel for the General Counsel should be
4 abiding by the agreement that all parties agreed to. The Court
5 was a party to that. And here we are today now finding out
6 that there is at least two minutes where the meeting did start.
7 I mean, the parties introduced themselves. I think by all
8 accounts we can all agree that that means a meeting has
9 started, yet --

10 MS. CACACCIO: Like the subpoena.

11 MR. BALSAM: -- yet is -- yet it is --

12 Thank you for interrupting me.

13 Yet it is not complete, and we take issue with that, and I
14 think that it's --

15 JUDGE ROSAS: So --

16 MR. BALSAM: -- careful to take issue with that.

17 JUDGE ROSAS: Okay. Let -- let's -- let's get our heads
18 around this. So we've got the General Counsel's 52(b), which
19 consists of 91 pages.

20 MS. CACACCIO: Correct.

21 JUDGE ROSAS: Okay. Identify for the record what
22 this purports to represent.

23 MS. CACACCIO: Minute 9:37 of the recording through minute
24 1:35:30 of the recording.

25 JUDGE ROSAS: So the first 9 minutes and 36 seconds of the

1 recording is not transcribed?

2 MS. CACACCIO: Correct.

3 JUDGE ROSAS: And that's the only portion of the audio
4 that will be played that is not transcribed?

5 MS. CACACCIO: There is 11 seconds at the end of the
6 recording that is also not transcribed.

7 JUDGE ROSAS: Okay. We can deal with that.

8 So the Respondent's concern is that it is not yet
9 transcribed, right? And you don't have that before you?

10 MR. BALSAM: Tha -- that's correct. It -- the bigger
11 concern, Your Honor, is the fact that we have an agreement, and
12 what's happening here is that the Counsel for the General
13 Counsel has not abided by that agreement, by which we're
14 viewing as a transcript which they represent contains the
15 entire transcription of the meeting. The meeting has clearly
16 started by which of what we just heard.

17 JUDGE ROSAS: Okay. So what we -- let me just recap what
18 we did previously of 51. 51(a) was play the entirety of it.

19 MS. CACACCIO: Right.

20 JUDGE ROSAS: And then we had the entirety of it from
21 beginning, from second 1, except for six at the end was all
22 transcribed?

23 MS. CACACCIO: Correct.

24 JUDGE ROSAS: So this one is distinguishable because the
25 first 9 minutes and 36 seconds are not transcribed.

1 MS. CACACCIO: Correct.

2 JUDGE ROSAS: Right? Okay. So in the before situation,
3 two weeks ago, what we were doing at that point based on
4 positions of the parties, the objections, the status quo ante,
5 if you will, was that we played the tapes from the get-go, and
6 the witnesses were asked to identify the voices.

7 MS. CACACCIO: Right.

8 JUDGE ROSAS: Right?

9 MS. CACACCIO: Correct.

10 JUDGE ROSAS: Okay. Let's start it back to 0, and we're
11 going to go through the same routine for this witness, so we
12 don't lose this time.

13 MR. BALSAM: Thank you, Your Honor.

14 MS. CACACCIO: So I understand, we're ignoring 92 pages of
15 transcript because 1 minute and 37 seconds -- roughly -- of the
16 meeting was not transcribed.

17 JUDGE ROSAS: 1 minute --

18 MS. CACACCIO: Rather than --

19 JUDGE ROSAS: 1 minute and 32 seconds? The first -- you
20 listened to the first nine -- eight minutes, Judge. The
21 meeting only started less than 30 seconds ago. You -- you
22 just -- we just listened to that. That's what we're playing
23 right now. It was people talking, it was --

24 JUDGE ROSAS: Hold -- hold on. So where it states Allyson
25 Peck?

1 MS. CACACCIO: Right. We haven't gotten there yet.

2 JUDGE ROSAS: Hold on. That is 9 --

3 MS. CACACCIO: 37.

4 JUDGE ROSAS: -- 37. 9:37. So but we don't have nine
5 minutes and 36 seconds transcribed.

6 MS. CACACCIO: We just listened to that -- the first eight
7 minutes of that, Judge. What Respondent's talking --

8 JUDGE ROSAS: Right.

9 MS. CACACCIO: -- about the meeting starting was at 7:39,
10 roughly.

11 JUDGE ROSAS: Okay.

12 MS. CACACCIO: So from 7:39 to 8:04 -- to -- to 9-
13 whatever-I-said --

14 MS. STANLEY: 36.

15 MS. CACACCIO: 9:37. So less than two minutes is the
16 meeting that Respondent's now objecting to.

17 JUDGE ROSAS: Okay. But so the -- what you're saying
18 basically is that the Respondent waived any objection they
19 didn't have a transcript in front of them --

20 MS. CACACCIO: They did.

21 JUDGE ROSAS: -- and --

22 MS. CACACCIO: They did.

23 JUDGE ROSAS: No, they did not have transcription for the
24 first nine minutes and 36 --

25 MS. CACACCIO: Co -- correct.

1 JUDGE ROSAS: -- seconds.

2 MS. CACACCIO: Correct.

3 JUDGE ROSAS: Right?

4 MS. CACACCIO: Yes.

5 JUDGE ROSAS: And they didn't object they didn't have any
6 transcription of it, and they didn't ask for the identification
7 of the speakers, right?

8 MS. CACACCIO: Correct.

9 JUDGE ROSAS: Okay. So -- so you're saying that they
10 waive their right to object to that now?

11 MS. CACACCIO: No, Judge. What I'm saying is that -- I
12 mean, I'm -- what Respondent -- my understanding Respondent's
13 objecting to is from 7:39, when they claim the meeting starts,
14 to 9:37, is not transcribed right now. That's two minutes. We
15 can play that, have this witness identify whatever speakers,
16 just like we did last week, rather than playing one hour and 35
17 minutes, and have the witness identify every speaker given that
18 we've already done that with this transcript.

19 JUDGE ROSAS: But --

20 MS. CACACCIO: We're just missing two minutes, Judge.

21 JUDGE ROSAS: Okay. What -- what is -- what is exactly
22 the objection that you're making as to the two minutes or nine
23 minutes and 36 seconds?

24 MR. BALSAM: Your -- Your Honor, previously what we have
25 done when there is not a transcript -- transcript of a

1 recording, we would stop it at every time there was a speaker,
2 and we would --

3 JUDGE ROSAS: I'm asking you what --

4 MR. BALSAM: My --

5 JUDGE ROSAS: -- you're objecting to right now.

6 MR. BALSAM: My objection right now is that the parties
7 had agreement whereby the entire meeting would be transcribed,
8 and the speakers would be identified in advance of the hearing
9 of the transcript, but that has not been done with respect to
10 this transcript.

11 JUDGE ROSAS: Right. Okay. So the fact is that the
12 General Counsel represents that they're in the process of
13 transcribing the entire 9 minutes and 36 seconds?

14 MS. CACACCIO: That's what -- that was my understanding of
15 the agreement was that the pre and post --

16 JUDGE ROSAS: That's in process?

17 MS. CACACCIO: Literally in this moment.

18 JUDGE ROSAS: Well, okay.

19 MS. CACACCIO: The court reporter is doing that. That's
20 why I am identifying times why we discussed making sure they
21 had electronic versions so they could do that because that was
22 all understanding of your ruling.

23 JUDGE ROSAS: Okay.

24 MS. CACACCIO: Anything pre and post that was in this
25 paper is going to be transcribed unless Respondent says they

1 don't need it. They're telling me they need it. We're doing
2 that. They got this on Friday. Depending on how they count,
3 they've had it for quite a few days. They never raised any
4 objection, they never had any issue, and now we're objecting to
5 two minutes of recording, and we're going to make us play an
6 hour and 30 and stop every two seconds for two minutes? That's
7 what I'm --

8 MR. BALSAM: So --

9 MS. CACACCIO: -- not understanding, Judge.

10 MR. BALSAM: So -- so -- so it's very clear. We are -- we
11 are challenging at this point in time the fact that the
12 transcript that is purporting to be the entire meeting is not
13 actually the entire meeting, and that there are about two
14 minutes in question where it was not transcribed, the speakers
15 have not been identified, and so consistent with our prior
16 practice, we are requesting that each time there is a speaker
17 for this witness to identify that speaker so that we can have a
18 complete understanding of who is speaking during the meeting.

19 MS. CACACCIO: For -- and just so I'm -- and I don't -- I
20 don't --

21 JUDGE ROSAS: But not -- but not from 9 minutes and 37
22 seconds on?

23 MR. BALSAM: No, we -- no, because we'd have the
24 transcript with the speakers identified, presumably.

25 MS. CACACCIO: Okay.

1 MR. BALSAM: I haven't seen --

2 MS. CACACCIO: Yeah, I have no problem with that. Just
3 the first two minutes?

4 MR. BALSAM: Yeah, I -- I -- I don't know why this has
5 become an issue. I was just pointing out that there was two
6 minutes in question that we don't have --

7 JUDGE ROSAS: Okay.

8 MR. BALSAM: -- as transcript.

9 JUDGE ROSAS: So why don't we get to those two minutes?

10 MS. CACACCIO: Yes, Judge.

11 I'm going to start it -- I don't even know. I can't -- I
12 don't have it precisely here. I'm going to start at 7:14.

13 Caroline, what's going to happen is when the speaker
14 star -- starts talking, I'm going to play the recording.
15 When -- I will stop it and ask you to identify that speaker.
16 If you need more time, let me know. If you need more time with
17 them talking, let me know.

18 THE WITNESS: Sure.

19 MS. CACACCIO: We're starting the recording at 7 minutes
20 and 14 seconds.

21 (Audio played at 5:07 p.m., paused at 5:07 p.m.)

22 MS. CACACCIO: I'm sorry. Give me one second.

23 What is happening?

24 (Counsel confer)

25 MR. BALSAM: We can hear you guys, just so you're aware.



1 MS. CACACCIO: That's okay. I'm just going to complain
2 about my stupid computer.

3 Okay. Are we done? Okay.

4 Apologies. We're at 7 minutes and 23 seconds.

5 (Audio played at 5:09 p.m., paused at 5:09 p.m.)

6 Q BY MS. CACACCIO: Who was the female speaking?

7 A The female speaker was Deanna Pusatier.

8 Q And who was the male speaker?

9 A His name is Gustavo (phonetic throughout). I'm not
10 familiar with his last name.

11 MS. CACACCIO: We're at 7:41.

12 (Audio played at 5:09 p.m., paused at 5:09 p.m.)

13 Q BY MS. CACACCIO: Who's talking right now?

14 A Deanna Pusatier.

15 MS. CACACCIO: We're at 7:52.

16 (Audio played at 5:09 p.m., paused at 5:10 p.m.)

17 Q BY MS. CACACCIO: Whose voice is that?

18 A The last voice on there is mine.

19 MS. CACACCIO: We're at 8:07.

20 (Audio played at 5:10 p.m., paused 5:11 p.m.)

21 Q BY MS. CACACCIO: Do you recognize that voice?

22 A The one that said, "Are you not drinking coffee at night
23 because you can't sleep?"

24 Q Yes.

25 A That's Rossann Williams.

1 MS. CACACCIO: We're at 9:06.

2 (Audio played at 5:11 p.m., paused at 5:11 p.m.)

3 Q BY MS. CACACCIO: Whose voice is that?

4 A I'm the one who says, "I'm not trying to double-fist right
5 now."

6 MS. CACACCIO: We're at 9:15.

7 Q BY MS. CACACCIO: Who were you responding to?

8 A I believe it was Rossann asking about why or why not we
9 were drinking coffee.

10 (Audio played at 5:11 p.m., paused at 5:11 p.m.)

11 Q BY MS. CACACCIO: Who's talking right now?

12 A Ashley Edwards (phonetic throughout) and I are speaking
13 back and forth to each other.

14 MS. CACACCIO: We're at 9 minutes and 26 seconds.

15 (Audio played at 5:11 p.m., paused at 5:12 p.m.)

16 MS. CACACCIO: And we're now at 9 minutes and 37 seconds,
17 which is where the transcript picks up.

18 And I would continue to argue that I don't know that
19 really is the start of the meeting, but I'm happy to have it
20 transcribed as we discussed.

21 Would you like me to keep playing?

22 JUDGE ROSAS: That's -- that's the agreement.

23 MS. CACACCIO: Okay. Well, I'm only asking because now
24 it's 5:15, so.

25 JUDGE ROSAS: It's only 5 -- 5:12. Go ahead.

1 (Audio played at 5:12 p.m., stopped at 5:22 p.m.)

2 JUDGE ROSAS: Okay.

3 MS. CACACCIO: Stopping the --

4 JUDGE ROSAS: Okay.

5 MS. CACACCIO: -- recording at 20 minutes and two seconds.

6 JUDGE ROSAS: All right. We'll stop there. We'll adjourn
7 till tomorrow at 9 a.m.

8 (Whereupon, the hearing in the above-entitled matter was
9 recessed at 4:55 p.m. until Wednesday, July 27, 2022 at 9:00
10 a.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Number 03-CA-285671, et al, Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, National Labor Relation Board, Region 3, Niagara Center Building, 130 South Elmwood, Suite 630, Buffalo, New York 14202, on July 26, 2022, at 8:55 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



LEE MILLER

Official Reporter